

**Gravenstein Union School District
Board of Trustees
Regular Board Agenda
5:00 p.m. – Open Session
Closed Session to follow Open Session
Gravenstein School Campus – Room 11
Wednesday, February 8, 2012**

If you need an accommodation for the Board Meeting, contact Superintendent Linda LaMarre at (707) 823-7008 or llmarre@grav.k12.ca.us
Agenda documents are available for inspection at the Gravenstein District Office
3840 Twig Avenue, Sebastopol, CA

I. CALL TO ORDER - ROLL CALL

Time: _____ Members present/absent: _____

II. PUBLIC INPUT ON ITEMS NOT ON THE AGENDA

This section is a time for members of the audience to address the Board regarding items not on the agenda. Board action cannot take place at this meeting, as a result of the input given. There will be a limit of 3 minutes for each person speaking under this section.

III. APPROVAL OF CONSENT AGENDA

- A. Approval of Agenda Order
 - B. Approval of Minutes: Regular Meeting Minutes January 11, 2012, Special Board Meeting 12-14-11, Special Bd. Meeting 1-31-12.
 - C. Vendor Warrants
 - D. Review of School Safety Plan
 - E. Williams Quarterly Complaint Report Summary
- Motion _____ Second _____ Vote _____

IV. REPORTS/CORRESPONDENCE

- A. Board Reports
- B. Superintendent Report:
 - 1. Enrollment Update for 2011-2012
Open House Update (January 28)
 - 2. Mental Health AB3632/Special Education Funding Update
 - 3. Gravenstein School Updates
 - 4. Transfer of data between Hillcrest and Analy
 - 5. GATE activities update
- C. Hillcrest Report
- D. GUTA Report

V. BUSINESS

- A. Notice of Completion – FRC (DSA App # 01-11927 Gravenstein Modular Project)
Motion _____ Second _____ Vote _____
- B. Notice of Completion – Doupnik (DSA App # 01-11927 Gravenstein Modular Project)
Motion _____ Second _____ Vote _____
- C. Charter School Discussion /Action
Motion _____ Second _____ Vote _____

D. Discussion of Possible General Obligation Bond for projects at Gravenstein and Hillcrest Schools
Motion_____Second_____Vote_____

E. Authorization for a Consultant to Prepare a Master Plan for Gravenstein and Hillcrest Schools
Motion_____Second_____Vote_____

F. Home to School Transportation Update
Motion_____Second_____Vote_____

G. Budget Update

H. Preschool Budget Discussion

I. Approve the movement of \$50,000 from General Fund (Fund 01) to Fund 12
Motion_____Second_____Vote_____

J. Approval of Contract for Development of Site Survey for the Hillcrest Modular Project
Motion_____Second_____Vote_____

K. Approval of Contract to Prepare a Geotechnical Report for the Hillcrest Modular Project
Motion_____Second_____Vote_____

VI. BOARD POLICIES AND ADMINISTRATIVE REGULATIONS

A. BP 1113 Community Relations
Motion_____Second_____Vote_____

B. BP/AR 5117 Interdistrict Attendance
Motion_____Second_____Vote_____

C. BP 2121 Superintendent’s Contract
Motion_____Second_____Vote_____

D. BB 9320 Meetings and Notices
Motion_____Second_____Vote_____

E. BP 6170.1 Transitional Kindergarten
Motion_____Second_____Vote_____

VII. FUTURE MEETING DATES AND AGENDA ITEMS

Next regularly scheduled meeting – March 14, 2012

VIII. PUBLIC COMMENT ON ITEMS IN CLOSED SESSION

IX. ADJOURN TO CLOSED SESSION

Time_____Motion_____Second_____Vote_____

A. Conference with Labor Negotiator, District - Mrs. LaMarre, Name of Organization -
Gravenstein Union Teachers Association

Motion_____Second_____Vote_____

B. Potential Litigation – per GC54956.9 (b)(3)(c)

Motion _____ Second _____ Vote _____

C. Superintendent Evaluation

Motion _____ Second _____ Vote _____

X. RECONVENE TO OPEN SESSION

Time _____ Motion _____ Second _____ Vote _____

A. Announce Action Taken in Closed Session

XI. ADJOURNMENT

Time _____ Motion _____ Second _____ Vote _____

**GRAVENSTEIN UNION SCHOOL DISTRICT
REGULAR BOARD MEETING
MINUTES**

January 11, 2012

CALL TO ORDER

4:48 PM President Horn called the meeting to order, Members Weaver, Zlotnick, Crocker, Horn present.

A walking tour of Hillcrest commenced to evaluate sites for a possible building addition to the Hillcrest campus. The board returned to the meeting room at 5:10 PM.

PUBLIC INPUT ON ITEMS NOT ON THE AGENDA

No input.

APPROVAL OF CONSENT AGENDA

- A. Approval of Agenda Order
- B. Approval of Minutes :
Regular Meeting Minutes
December 14, 2011
- C. Vendor Warrant

President Horn moved to approve the consent agenda, Mem. Crocker seconds, 5-0 yes.

BOARD REPORTS

Mem. Weaver reported that he went to the Kindergarten Nutcracker and commented that there were too many people at the performance and suggested that two performances might alleviate some of the crowd.

Clerk Wickland commented that both Winter Concerts were great.

Pres. Horn reported that he went to the legal conference and has scanned the information to share it with other board members.

SUPERINTENDENT REPORTS

Enrollment Update 2011-2012

Current GUSD enrollment is 690.

Enrollment Activities for 2012-2013 school year – Open House (not confirmed) January 28 10:30-12:00

This will be an Open House for families interested in GUSD for 2012-13. There will be separate events at Gravenstein and Hillcrest—on the same day.

Mental Health AB3632/Special Education Funding Update

We will be submitting for our reimbursement this month. Our total cost is \$138,000 for 2011-12. We should be completely reimbursed.

Gravenstein School Updates

During the two week break the new computers for the Gravenstein computer lab arrived. Three toilets were also replaced. Brian Sposato reported on some other improvement projects.

HILLCREST REPORT

Principal Fichera reported on the December Honor Roll assembly, Hillcrest Winter Concert, various holiday donations that students made to those in need during the holidays, and the current athletic activities at Hillcrest.

GUTA REPORT

Katrina Latham reported on the GUTA's opinion on the Charter School and construction at Hillcrest.

BUSINESS

Modular Building Update

Still waiting on a sign off to pay the final bill.

Budget Update

Business Manager Denise Westbrook presented the Preschool Budget and Daycare Budget. Supt. LaMarre discussed the fact that the preschool has more expenditures than revenues at the current time (not breaking even). The Daycare Budget shows a projected positive income, however. It was suggested by Member Crocker that the topic of Preschool Budget be added to a future board agenda.

Charter School Discussion/Action

Supt. LaMarre has a phone conference scheduled with an attorney who about charter school conversion for this coming week. Pres. Horn moved to authorize Supt. LaMarre to organize a committee to work on the charter conversion and to establish a budget of \$10,000 for this purpose, Zlotnick seconds, 5-0 yes.

2010-2011 Audit Review/Approval

Mem. Zlotnick moved to approve the audit report, Clerk Wickland seconds, 5-0 yes.

Approval of Audit Service for the 2011-12 School Year by Stephen Roatch Accountancy

Supt. LaMarre recommends that the board approves, Mem. Crocker moves to approve, Mem. Zlotnick seconds, 5-0 yes.

Discussion of Possible General Obligation Bond

Pres. Horn presented the possibilities of adding to Hillcrest a modular building which could be funded by the district, or a permanent building which would be funded through a general obligation bond. A conversation led to a decision that Pres. Horn and Supt. LaMarre would investigate passing a bond to fund a permanent building at Hillcrest.

Possible Building Addition (s) at the Hillcrest Campus

Mem. Zlotnick moved to authorize Supt. LaMarre to begin working with an architect to install a modular building that is up to 1600 square feet in the place of the former teacher work room and storage room at Hillcrest, Pres. Horn seconds, 5-0 yes.

Home to School Transportation Update

At the Transportation meeting today, a small school district bus replacement was voted on, but this will be at no additional cost to the district. No action taken.

Board Policies and Administrative Regulations

BP/AR 1113 Community Relations

Mem. Zlotnick moved to approve AR 1113 and rescind the former, Pres. Horn seconds, 5-0 yes. BP 1113 has been tabled to the February meeting.

Article V Sec. 5.2f Director of Fiscal Services (Business Manager Job Description)

Mem. Zlotnick moved to approve as modified and rescind the former, Mem. Weaver seconds, 5-0 yes.

FUTURE MEETING DATES AND AGENDA ITEMS

PUBLIC COMMENT ON ITEMS IN CLOSED SESSION

ADJOURN TO CLOSED SESSION

Mem. Zlotnick moved to adjourn to closed session at 7:52 PM, Mem. Wickland seconds, 5-0 yes.

- A. Conference with Labor Negotiator, District – Mrs. LaMarre, Name of Organization – Gravenstein Union Teachers Association**

- B. Potential Litigation – per**

GC54956.9 (b)(3)(c)

C. Superintendent Evaluation
RECONVENE TO OPEN SESSION

Member Zlotnick moved and Member Crocker seconded to reconvene to Open Session at 8:00 pm

Announce action taken in Closed Session

No Action taken

ADJOURNMENT

Pres. Horn moved and Member Weaver seconded to adjourn at 8:00 pm

**GRAVENSTEIN UNION SCHOOL DISTRICT
SPECIAL BOARD MEETING
MINUTES**

December 14, 2011

CALL TO ORDER

7:57 PM President Horn called the meeting to order. Clerk Wickland, Members Weaver, Zlotnick, Crocker present.

A. Approval of stipulation recommending suspended expulsion, waiver of hearing/appeal and order

Pres. Horn moves to approve, Mem. Zlotnick seconds, 5-0 yes.

B. ADJOURNMENT

Pres. Horn moves to adjourn at 8:50 PM, Mem. Zlotnick seconds, 5-0 yes.

**GRAVENSTEIN UNION SCHOOL DISTRICT
SPECIAL BOARD MEETING
MINUTES**

January 31, 2012

CALL TO ORDER

5:05 PM President Horn called the meeting to order. Members Weaver, Zlotnick, Crocker present. Clerk Wickland absent.

**A. Approval of Agreement for
Architectural Services**

Member Zlotnick asked a variety of questions regarding the contract specifics. Mem. Zlotnick moved to approve, Pres. Horn seconds, 4-0 yes.

B. ADJOURNMENT

Pres. Horn moves to adjourn at 5:32 PM, Mem. Zlotnick seconds, 4-0 yes.

ReqPay12a

Board Report

Checks Dated 01/06/2012 through 01/20/2012

1172341	01/06/2012	Clover-stornetta Farms Inc.	13-4710		444.60
1172342	01/06/2012	Empire Elevator Co., INC.	01-5830		500.00
1172343	01/06/2012	Fedex	01-5950		39.56
1172344	01/06/2012	Gary Doupnik Manufacturing	40-5830		12,844.00
1172345	01/06/2012	Office Depot	01-4359	114.31	
			12-4350	119.72	234.03
1172346	01/06/2012	Pacific Gas & Electric	01-5520		20.00
1172347	01/06/2012	Preferred Meal Systems	13-4710		405.41
1172348	01/06/2012	Ricoh Americas Corporation	01-5600		751.82
1172349	01/06/2012	Stephanie Stevenson	12-4310		22.53
1172350	01/06/2012	Wayfair LLC.	01-4359	374.69	
			01-4400	712.96	1,087.65
1172351	01/06/2012	West Sonoma County Disposal	01-5560		533.58
1173079	01/11/2012	Acsig Edge	01-9573		6,996.47
1173080	01/11/2012	American Fidelity ATTN AFES Flex Acct Admin	01-9540		650.00
1173081	01/11/2012	At&t Calnet2	01-5911		192.62
1173082	01/11/2012	At&t Mobility	01-5912		68.45
1173083	01/11/2012	Blakeslee Electric Inc	01-5830		554.72
1173084	01/11/2012	California Teachers' Asso.	01-9511		14,397.62
1173085	01/11/2012	Grainger Inc.	01-4380		71.22
1173086	01/11/2012	Kaiser Permanente / File Number 73030	01-9571		8,850.65
1173087	01/11/2012	Karuza Plumbing	01-5830		1,600.00
1173088	01/11/2012	Mandate Resource Services Llc	01-5830		2,500.00
1173089	01/11/2012	Nature Bridge	01-5826		14,628.00
1173090	01/11/2012	Office Depot	01-4350	16.10	
			01-4359	24.36	40.46
1173091	01/11/2012	Resig	01-9570		3,606.00
1173092	01/11/2012	T&B Sports	01-8699		562.61
1173093	01/11/2012	Villa Santa Maria, Inc	01-5810		10,781.53
1173094	01/11/2012	Vision Service Plan	01-9574		1,630.20
1174069	01/18/2012	Analytical Sciences	01-5530		157.00
1174070	01/18/2012	Andy Noonan	01-5880		35.00
1174071	01/18/2012	California's Valued Trust	01-9572		43,269.00
1174072	01/18/2012	John Elze	01-5880		35.00
1174073	01/18/2012	Kelly-moore Paint Co. Inc.	01-4380		137.86
1174074	01/18/2012	Mark Hoback	01-5880		35.00
1174075	01/18/2012	Pacific Gas & Electric	01-5520		5,531.54
1174076	01/18/2012	Preferred Meal Systems	13-4710		881.50
1174077	01/18/2012	Richard Andersen	01-5880		35.00
1174078	01/18/2012	Gary Bruce Robb	01-5880		35.00
1174079	01/18/2012	School and College Legal	01-5823		3,700.00
1174080	01/18/2012	Sonoma County Office Of Ed.	01-5880		100.00
1174081	01/18/2012	Sonoma County Wildlife Rescue	01-8699		75.00
1174082	01/18/2012	Sonoma West Times & News	01-5880		35.00
1174083	01/18/2012	Wells Fargo Ctr For The Arts	01-5826		215.00
1174084	01/18/2012	West County Athletic League	01-8699		490.00
1174503	01/20/2012	At&t Global Services, Inc	01-5911		1,184.76

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

ESCAPE ONLINE

Page 1 of 2

Checks Dated 01/20/2012 through 01/25/2012

Check Number	Date	Description	Account	Amount	Balance
1174504	01/20/2012	Employment Development Dept.	01-9555		13,080.15
1174505	01/20/2012	Environmental Discovery Center	01-8699		200.00
1174506	01/20/2012	FRC, Inc.	40-5830		13,124.00
1174507	01/20/2012	Greenacre Homes, Inc	01-5810		2,615.33
1174508	01/20/2012	Hewlett Packard Corporation /Attn: Public Sector Sales	01-4340	263.27	
			01-4400	4,750.56	5,013.83
1174509	01/20/2012	Office Depot	01-4310		64.74
1174510	01/20/2012	Ricoh Americas Corporation	01-5600		310.93
1174511	01/20/2012	Roberts Mechanical & Elec. Inc	01-5630		115.00
1174512	01/20/2012	Sheila Codoner	01-5830		900.00
1174513	01/20/2012	Stephanie Stevenson	12-4310		48.43
1174514	01/20/2012	West County Transportation	01-5826		940.54
1175774	01/25/2012	Business Card	01-4362	172.18	
			01-4380	992.86	1,165.04
1175775	01/25/2012	California's Valued Trust	01-9572		42,963.00
1175776	01/25/2012	Gravenstein Revolving Fund	01-9213		2,681.07
1175777	01/25/2012	Hewlett Packard Corporation /Attn: Public Sector Sales	01-4340	1,328.35	
			01-4400	23,969.68	25,298.03
1175778	01/25/2012	Mci Comm Service	01-4310		12.46
1175779	01/25/2012	Pacific Gas & Electric	01-5520		212.29
1175780	01/25/2012	Zac Ward	01-5880		65.00
Total Number of Checks			62		248,775.23

Fund Summary

Fund	Description	Check Count	Expensed Amount
01	General Fund	55	220,885.04
12	Child Development Fund	3	190.68
13	Cafeteria Fund	3	1,731.51
40	Special Reserve-capital Proj	2	25,968.00
Total Number of Checks		62	248,775.23
Less Unpaid Sales Tax Liability			.00
Net (Check Amount)			248,775.23

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

ESCAPE ONLINE

Board Members:

An updated School Safety Plan (to be reviewed each year by March 1) will be sent to you through email on Monday, February 6, 2012

Gravenstein Union School District

Williams Settlement

Quarterly Uniform Complaint Report Summary

Education Code §35186(d): A school district shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the county superintendent of schools and the governing board of the school district. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the governing board of the school district. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. The complaints and written responses shall be available as public records.

Reporting Period:

- January 1 - March 31, 2012 April 1 - June 30, 2012
 July 1 - September 30, 2011 October 1 - December 31, 2011

No complaints were received during the above time period.

If you received any complaints during the above time period, please complete the following table. Enter "0" in any cell that does not apply.

	Complaints Received	Complaints Resolved	Unresolved Complaints
Instructional Materials	0	0	0
Facilities	0	0	0
Teacher Vacancy and/or Mis-assignment	0	0	0
Total	0	0	0

Board meeting date: 2/8/12
Date sent to County Superintendent of Schools: 2/9/12
Sonoma County Office of Education
5340 Skylane Blvd.
Santa Rosa, CA 95403
or email to mwallace@scoe.org)

February 2, 2012										Totals
Teachers	K	1	2	3	4	5	6	7	8	
Olivares - ENRICH!	19									19
Hanchey	21									21
Crandall - ENRICH!	21									21
Redfern	12	9								21
Clark	7									7
Sprinkle		21								21
Lannon - ENRICH!		21								21
Candau - ENRICH!		20								20
Imholz -ENRICH!			13	8						21
DeBolt - ENRICH!			21							21
Johnson			11							11
Gruner			16							16
Carlson				15						15
Hillier -ENRICH!				21						21
Mattish - ENRICH!				20						20
Brown - ENRICH!					26					26
Kelley					24					24
Doughty					12	12				24
Lands - ENRICH!						22				22
Radford						24				24
Oakley				2	1	1				4
Pugno - ENRICH!						26				26
Helton							22			22
Dexter							22			22
Latham -ENRICH!							20			19
Rich - ENRICH!							26			26
Gorman -ENRICH!								23		22
Collins - ENRICH!								16	9	25
Qualls									27	27
Pell									14	14
Poet										0
Sporrer - ENRICH!									26	26
Blanco								26		26
Lewis								27		27
Fisher									6	6
Parsons - CDS					0	0	0	0	0	0
Gravenstein Total	80	71	61	66	63	85				426
Hillcrest Total							90	92	82	264
District Total 2-2-12	80	71	61	66	63	85	90	92	82	690
January-11	67	54	62	52	83	73	83	75	91	640
January-10	56	61	48	76	69	69	65	84	92	620

RECORDING REQUESTED BY:

Return to:
AXIA Architects
250 D. Street, Suite 210
Santa Rosa, CA 95404

NOTICE OF COMPLETION

NOTICE is hereby given that we, the undersigned, Board of Trustees of the Gravenstein Union School District did on the 5th day of July 2011, enter into a contract with FRC Construction, 1360 Industrial Avenue, Suite D, Petaluma, CA 94952 the Gravenstein Elementary School Modular Classrooms and Improvements Project Increment 2 - DSA Application No. 01-111927 - Architect Project No. 815.00 on the site of the Gravenstein Elementary School of the Gravenstein Union School District located at 3840 Twig Avenue, CA 95472, in strict conformity with the Contract Documents, including addenda and alternates thereto, all as adopted by the Owner.

That on the 3rd day of December 2011, the said Contract or work of improvement, as a whole, was substantially completed by the said FRC Construction, and

That the name and address of all the Owners of said property are as follows:

Board of Trustees
Gravenstein Union School District
3840 Twig Avenue
Santa Rosa, CA 95472

Board of Trustees
Gravenstein Union School District
Owners

By: _____
agent

STATE OF CALIFORNIA
County of Sonoma

Being duly sworn Linda LaMarre says: I am the agent of the property described in the foregoing notice. I have read the foregoing notice and know the contents thereof, and the same is true of my own knowledge.

By: _____

Subscribed and sworn to before me
this _____ day of _____ 2012

Notary Public

RECORDING REQUESTED BY:

Return to:
AXIA Architects
250 D. Street, Suite 210
Santa Rosa, CA 95404

NOTICE OF COMPLETION

NOTICE is hereby given that we, the undersigned, Board of Trustees of the Gravenstein Union School District did on the 26th day of April 2011, enter into a contract with Gary Douppnik Manufacturing, PO Box 527, Loomis, CA 95650 the Gravenstein Elementary School Modular Classrooms and Improvements Project Increment 1 - DSA Application No. 01-111927 - Architect Project No. 815.00 on the site of the Gravenstein Elementary School of the Gravenstein Union School District located at 3840 Twig Avenue, CA 95472, in strict conformity with the Contract Documents, including addenda and alternates thereto, all as adopted by the Owner.

That on the 3rd day of December 2011, the said Contract or work of improvement, as a whole, was substantially completed by the said Gary Douppnik Manufacturing, and

That the name and address of all the Owners of said property are as follows:

Board of Trustees
Gravenstein Union School District
3840 Twig Avenue
Santa Rosa, CA 95472

Board of Trustees
Gravenstein Union School District
Owners

By: _____
agent

STATE OF CALIFORNIA
County of Sonoma

Being duly sworn Linda LaMarre says: I am the agent of the property described in the foregoing notice. I have read the foregoing notice and know the contents thereof, and the same is true of my own knowledge.

By: _____

Subscribed and sworn to before me
this _____ day of _____ 2012

_____, Notary Public



January 15, 2012

Linda LaMarre, Superintendent
Gravenstein Union School District
3840 Twig Avenue
Sebastopol, CA 95472

5340 Skyline Boulevard
Santa Rosa, CA 95403-8246
(707) 524-2600 ■ www.scoe.org

Dear Ms. LaMarre:

In accordance with Education Code Section 42131, a review of the Gravenstein Union School District's (District) First Interim Report for fiscal year 2011-12 has been completed by the Sonoma County Office of Education (County). Based upon the multi-year projection and assumptions provided by the District, it appears that the District will meet its financial obligations for the current and two subsequent years. We therefore concur with the District's positive certification. This letter addresses various concerns of the County as well as standard reminders.

State Budget

The enacted 2011-12 State Budget and associated trailer bills included "Trigger" language that automatically implemented mid-year reductions to K-12 education should State revenues fall below targeted projections. The Department of Finance released its re-evaluated revenue forecast on December 13, 2011 and as a result, the "Trigger" language affected K-12 education by reducing revenue limit funding by approximately 0.25% and pupil transportation funding by approximately 50%. Although the implemented "Trigger" had much less impact than its potential effect, the County reminds districts to be cautious when increasing expenses since the economics that underlie the "Trigger" are ongoing. Severe cuts in education funding in recent years have left districts with few options as ending fund balances have been depleted, class sizes have sometimes increased to the maximum allowed under law, and augmentations of federal funds have expired. It will be important to monitor the Governor's January Budget Proposal for 2012-13 —especially the specifics for K-12 education, including transitional kindergarten and pension reform. As always, the County encourages fiscal conservatism in budgeting, close monitoring of cash and candid dialogue with your community and staff during these difficult economic times.

First Interim and Multi-Year Projection (MYP)

The MYP indicates unrestricted deficit spending of \$191,419 and \$7,153 in 2011-12 and 2012-13, respectively. The MYP projects an increase in unrestricted fund balance of \$53,394 in 2013-14 with the minimum reserve level met in all years. The aforementioned 2011-12 financial results include "Trigger" factors noted on the SSC District and County Office Financial Projection Dashboard dated September 12, 2011 and represent approximately \$200,000 in reduced State funding.

Cash

The current State budget contains even more deferrals of State revenue than in prior year. It is presently estimated that approximately 39% of State apportionments will be deferred to the 2012-13 fiscal year. Due to depleted reserves and increased deferrals, it will be more important than ever to carefully prepare cash flow projections and regularly monitor cash to determine if sufficient cash is available to meet operational needs. Cash should be monitored daily and cash flow projections updated monthly to assure the payment of payroll and accounts payable are sustainable throughout the year. Obtaining outside financing often takes time, thus analyzing cash flow for the current as well as the next fiscal year will identify future cash needs and allow district operations to run without disruption.

We appreciate the timely submittal of your interim report and the accompanying budget assumptions and/or narratives. A technical review will be communicated to the business office. If there are any questions regarding this letter or discussion of the District's budget, please call me at 524-2635.

Sincerely,

A handwritten signature in black ink that reads "Judy Thomson".

Judy Thomson
Director Fiscal Services

c: Dr. Steven Herrington Denise Calvert Denise Westbrook Penny Link



5340 Skylane Boulevard
Santa Rosa, CA 95403-8246
(707) 524-2600 ■ www.scoe.org

DATE: January 24, 2012
TO: District Superintendents
District Chief Business Officials/Business Managers
Charter Schools
FROM: Judy Thomson, Director Fiscal Services
RE: Governor's Budget Proposal for 2011-12 Second Interim

The Governor's 2012-13 budget proposal again leaves education in a state of uncertainty. The Governor assumes that voters will approve \$6.9 billion in temporary taxes and has proposed 'flat' funding for education in the budget year. Should the Governor's plan for higher taxes not be approved by the electorate in November, the Governor proposes significant reductions to education. These reductions do not come with the potential for a less severe effect if State finances improve, as was the case in 2011-12 with the December 2011 "trigger" cuts, and again comes midway through the budget year. While the State's structural imbalance continues, local education agencies (LEA) must remain fiscally conservative to assure educating students and district operations can continue without disruption.

SCOE PARAMETERS

LEAs should use the following parameters in their 2011-12 Second Interim Report.

1. 2011-12 Budget

LEAs should adjust their 2011-12 budgets to reflect the "trigger" cuts determined in mid-December 2011 which include the following:

- a) All LEAs should follow the SSC Financial Projection Dartboard (January 19, 2012).
- b) All LEAs (including basic aid districts) should reduce revenue limit or categorical (basic aid school districts) funding by using *one* of the following methods:
 - i. Multiply \$13 by current year estimated P-2 ADA and report as a reduction to revenue.
 - ii. Multiply the district revenue limit funding *after deficit* by .25% and report as a reduction to revenue.
- c) Home to School and Special Education Transportation entitlement should be reduced by 50%.
- d) Basic Aid districts should include the 8.92% 'fair share' adjustment enacted by the Legislature for 2011-12.

2. Multi-Year Projections: 2012-13 and 2013-14

SCOE is recommending LEAs plan that voters will not approve the November tax measure. The continuing State structural budget deficit indicates continuing caution for 2012-13 and forward.

- a) All LEAs should use the January 19, 2012 Dartboard for multi-year projection planning. All LEAs (including basic aid districts) should reduce revenue limit or categorical (basic aid school districts) funding by \$370 per ADA in 2012-13 and 2013-14. *on going for \$370.*
- b) In 2012-13, the Dartboard COLA is reported as 3.17% and the K-12 revenue limit deficit percentage is 21.666% resulting in a small increase to the base revenue limit. However, the "SSC Planning COLA if tax initiative passes" line of the Dartboard indicates reducing COLA to zero. SCOE recommends increasing the 2012-13 deficit factor to 22.2297% to achieve a zero COLA / 'flat' funding effect. Subsequent to the aforementioned calculation, the \$370 per ADA should be subtracted.

Steven D. Herrington, Ph.D. ■ Superintendent of Schools

Board of Education ■ Alex Bantis, Karen Bosworth, Pat Hummel, Jill Kaufman, Helga Lemke, Ray Peterson, Kathleen Willbanks

- c) **Home to School and Special Education Transportation entitlement should be reduced to zero** as this funding is eliminated under the Governor's proposal whether or not the tax measure is passed.
- d) **Basic Aid districts should continue to project an 8.92% 'fair share' reduction in 2012-13 and 2013-14.** The "fair share" reduction is an attempt to mirror the deficit factor of revenue limit school districts and thus should continue.
- e) K-3 CSR reduced penalties are set to expire at the end of 2013-14. If preparing a 5 year MYP, funding projections for 2014-15 and forward should not include reduced penalties.

3. Cash Flow

All second interim report submissions must provide an 18 month cash flow projection. Understanding an LEA's ability to handle their cash position with the \$370 per ADA reduction will help highlight any solvency concerns and allow time for strategic planning.

4. Transitional Kindergarten (TK)

Current law requires TK to begin in 2012-13. Under the Governor's proposal, funding for TK is eliminated and the program becomes optional. However, a birthday date change for regular kindergarten, from December 2nd to November 1st is proposed. This is estimated to result in about 40,000 fewer kindergarten students in 2012.

5. Redevelopment Agencies (RDA)

Based upon the California Supreme Court's recent decision, RDA tax distributions will stay in the County property tax pool. "Pass-through" payments will continue to be paid, although not by RDAs. The RDA tax increment remaining after "pass-through" payments, debt service, and some administrative costs will be allocated as property taxes. At this time, the direct effect on Sonoma County school districts is not known.

6. Governor Brown's weighted student funding formula – Categorical shift

The Governor has proposed a new "weighted pupil funding formula" to replace revenue limit and categorical funding. The new formula would immediately make all but a handful of categorical programs completely flexible to support local education. Additional funding would be available based on English learner and free/reduced lunch populations. This funding formula, if enacted, would be phased in over 5 years and begin in 2012-13. The funding most likely would be based upon 2010-11 information. The Department of Finance indicated that for 2012-13, a district's funding would be based on 80% current law formulas and 20% on the new weighted student funding formula. There is no "hold-harmless" provision and thus, some LEAs will benefit and some will feel a loss. The \$120 minimum per ADA funding to basic aid districts is a constitutional provision and should not be affected. Due to the great deal of uncertainty and vague information regarding the weighted student funding formula, SCOE does not anticipate the MYP will reflect this portion of the Governor's proposal.

- 7. Summary Statement** - In developing second interim reports, we are advising districts to prepare for the worst, but hope for the best. The narrative should be complete and identify material items such as the number of furlough days included in each year of the multi-year projection (MYP), estimated costs/ADA associated with transitional kindergarten, program changes, etc. Please be reminded that only successfully negotiated agreements should be included in the MYP. A well written and detailed narrative assists us in the evaluation of budgets and provides a historical record for the district.

Please call if you have questions, need assistance or advice. We are here to assist districts however possible.

CSBA Sample

Board Policy

District And School Web Sites

BP 1113

Community Relations

Note: The following optional policy is for use by districts that maintain their own web site(s) and may be revised to reflect district practice. District strategies for effective use of web sites may be incorporated into the district's comprehensive communications plan; see BP 1100 - Communication with the Public.

To enhance communication with students, parents/guardians, staff, and community members, the Governing Board encourages the Superintendent or designee to develop and maintain district and school web sites. The use of district and school web sites shall support the district's vision and goals and shall be coordinated with other district communications strategies.

- (cf. 0000 - Vision)
- (cf. 0440 - District Technology Plan)
- (cf. 1100 - Communication with the Public)
- (cf. 1112 - Media Relations)
- (cf. 1114 - District-Sponsored Social Media)
- (cf. 6020 - Parent Involvement)

Design Standards

The Superintendent or designee shall establish design standards for district and school web sites in order to maintain a consistent identity, professional appearance, and ease of use.

***Note: Pursuant to Title II of the Americans with Disabilities Act (42 USC 12131-12134), the district must ensure that individuals with disabilities are not discriminated against or excluded from participation in public services, programs, or activities. A U.S. Department of Justice (USDOJ) technical assistance publication, Accessibility of State and Local Government Websites to People with Disabilities, affirms that this statute applies to district-sponsored web sites. Thus, the district should consider the needs of individuals with disabilities and identify features that would enable such persons to access all the site's information. For example, hearing-impaired individuals may not be able to access information in Internet videos or other multimedia presentations that do not have captions, and visually impaired individuals who use screen readers or other assistive technology may not be able to "read" images or photographs without corresponding text. Examples of technical standards for web site accessibility are available from the World Wide Web Consortium, the California Department of Education's standards for state web

sites, and other sources.***

Note: The USDOJ's technical assistance publication states that an agency with an inaccessible web site may also meet its legal obligations by providing an alternative accessible way for individuals with disabilities to use the programs or services (e.g., a staffed telephone information line), but points out that these alternatives are unlikely to provide an equal degree of access in terms of hours of operation or range of options and programs available.

The district's design standards shall address the accessibility of district-sponsored web sites to individuals with disabilities, including compatibility with commonly used assistive technologies.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

Guidelines for Content

The Superintendent or designee shall develop content guidelines for district and school web sites and shall assign staff to review and approve content prior to posting.

Note: The district may determine whether or not to post advertising of a commercial nature on district and school web sites. The following optional paragraph provides that the district will apply the same policy it has established for advertising in school-sponsored publications (see BP 1325 - Advertising and Promotion) and may be revised to reflect district practice.

Board policy pertaining to advertising in district and school publications, as specified in BP 1325 - Advertising and Promotion, shall also apply to advertising on district and school web sites.

(cf. 1325 - Advertising and Promotion)

Privacy Rights

The Superintendent or designee shall ensure that the privacy rights of students, parents/guardians, staff, Board members, and other individuals are protected on district and school web sites.

(cf. 1340 - Access to District Records)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5022 - Student and Family Privacy Rights)

(cf. 5125 - Student Records)

***Note: The following optional paragraph may be revised to reflect district practice. The district should carefully consider whether to place personally identifiable information

on district or school web sites since release of such information may put individuals, including students, at risk and also may violate Education Code 49073 which prohibits disclosure of student directory information to any private profit-making entity; see BP/AR/E 5125.1 - Release of Directory Information.***

Telephone numbers and home and email addresses of students and/or their parents/guardians shall not be published on district or school web sites.

(cf. 5125.1 - Release of Directory Information)

Note: The following options address the use of students' photographs on district or school web sites. Option 1 is for use by districts that, pursuant to Education Code 49061 and 34 CFR 99.3, have included photographs in the definition of directory information as specified in AR 5125.1 - Release of Directory Information, and thus allow parents/guardians the opportunity to request that their child's photograph not be released without their prior written consent. Option 2 is for use by districts that do not wish to allow students' photographs to be published along with their names without specific consent.

OPTION 1: Photographs of individual students may be published, together with their names, except when their parent/guardian has notified the district in writing to not release the student's photograph without prior written consent in accordance with BP/AR 5125.1 - Release of Directory Information.

OPTION 2: Because of the wide accessibility of the Internet and potential risk to students, photographs of individual students shall not be published with their names or other personally identifiable information without the prior written consent of the student's parent/guardian.

Note: The remainder of this policy is for use by all districts.

Photographs of groups of students, such as at a school event, may be published provided that students' names are not included.

Staff members' home addresses or telephone numbers shall not be posted on district or school web sites.

The home address or telephone number of any elected or appointed official including, but not limited to, a Board member or public safety official, shall not be posted on district or school web sites without the prior written permission of that individual. (Government Code 3307.5, 6254.21, 6254.24)

No public safety official shall be required to consent to the posting on the Internet of his/her photograph or identity as a public safety officer for any purpose if that officer reasonably believes that the disclosure may result in a threat, harassment, intimidation, or harm to the officer or his/her family. (Government Code 3307.5)

(cf. 3515.3 - District Police/Security Department)

Legal Reference:

EDUCATION CODE

35182.5 Contracts for advertising
35258 Internet access to school accountability report cards
48907 Exercise of free expression; rules and regulations
48950 Speech and other communication
49061 Definitions, directory information
49073 Release of directory information
60048 Commercial brand names, contracts or logos

GOVERNMENT CODE

3307.5 Publishing identity of public safety officers
6254.21 Publishing addresses and telephone numbers of officials
6254.24 Definition of public safety official
11135 Nondiscrimination; accessibility to state web sites

PENAL CODE

14029.5 Prohibition against publishing personal information of person in witness protection program

UNITED STATES CODE, TITLE 17

101-1101 Federal copyright law

UNITED STATES CODE, TITLE 20

1232g Federal Family Educational Rights and Privacy Act

UNITED STATES CODE, TITLE 29

794 Section 503 of the Rehabilitation Act of 1973; accessibility to federal web sites

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 16

312.1-312.12 Children's Online Privacy

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

COURT DECISIONS

Aaris v. Las Virgenes Unified School District, (1998) 64 Cal.App.4th 1112

Management Resources:

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

Accessibility of State and Local Government Websites to People with Disabilities, June 2003

WORLD WIDE WEB CONSORTIUM PUBLICATIONS

Web Content Accessibility Guidelines, December 2008

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Web Accessibility Standards:

<http://www.cde.ca.gov/re/di/ws/webaccessstds.asp>

California School Public Relations Association: <http://www.calspra.org>

U.S. Department of Justice, Americans with Disabilities Act: <http://www.ada.gov>

World Wide Web Consortium, Web Accessibility Initiative: <http://www.w3.org/wai>

(3/00 7/07) 7/11

Board Policy

Community Relations

BP 1113

District and School Web Sites

***Note: Establishment of district and schools web sites may have educational program benefits and enhance communication, but this is an emerging area of law with many unanswered questions. For instance, who will have input and access to the web site -- students, staff, employee organizations? Will the content of the site be deemed protected speech if input and access are allowed for students, staff, or employee organizations? Can the content of the material on the web site be regulated and, if so, to what extent? One approach a court might use would be to draw analogies with protections that currently exist in printed form (see BP/AR 5145.2 - Publications) and regulations regarding equal access (see BP/AR 6145.5 - Student Organizations and Equal Access). ***

Note: In addition, districts should carefully consider whether to accept advertising on their web sites. AB 117 (Ch. 374, Statutes of 1999) added Education Code 35182.5 which prohibits districts from entering into a contract for electronic products or services, unless specific findings are made by the Board. See BP 3312 - Contracts. AB 116 (Ch. 276, Statutes of 1999) added Education Code 60048 which prohibits the use of a commercial brand name, product or corporate or company logo in instructional materials, absent the Board make certain findings. In addition, Education Code 48907 establishes prohibitions against certain types of student speech or expression which may extend to student expression on the Internet.

To enhance communication with students, parents/guardians, staff, community members and the public at large, the Governing Board encourages the development and ongoing maintenance of district and school web sites on the Internet. Web sites shall support the educational vision of the district and shall be consistent with the district's plans for communications and media relations.

- (cf. 0000 - Vision)
- (cf. 0200 - Goals for the School District)
- (cf. 0440 - District Technology Plan)
- (cf. 1100 - Communication with the Public)
- (cf. 1112 - Media Relations)
- (cf. 3312 - Contracts)
- (cf. 4040 - Employee Use of Technology)
- (cf. 5124 - Communication with Parents/Guardians)
- (cf. 5145.2 - Freedom of Speech/Expression)
- (cf. 6010 - Goals and Objectives)
- (cf. 6145.5 - Student Organization and Equal Access)
- (cf. 6162.7 - Use of Technology in Instruction)
- (cf. 6163.4 - Student Use of Technology)

The Superintendent or designee shall develop guidelines regarding the content of district and school web sites which shall include standards for the ethical and responsible use of information and technology. These guidelines shall be consistent with law, Board policy and administrative regulation.

District and school web sites shall not include content which is obscene, libelous or slanderous, or which creates a clear and present danger of inciting students to commit unlawful acts on school premises, violate school rules or substantially disrupt the school's orderly operation. Any links to external sites shall follow the same guidelines applicable to district and school web sites.

***Note: Federal copyright law (17 USC 107) and the courts have generally provided that teachers, students and schools are allowed to make "fair use" of materials for instructional purposes in situations which are not likely to deprive a publisher or an author of income; see BP/AR 6162.6 - Use of Copyrighted Materials. Unless there is a clear statement that text, art or photos are "public domain" and available for free use, such material should not be replicated on a web site unless prior permission is granted by the owner of the copyright. ***

The Superintendent or designee shall ensure that copyright laws are not violated in the use of material on district or school web sites.

(cf. 4132/4232/4332 - Publication or Creation of Materials)
(cf. 6162.6 - Use of Copyrighted Materials)

Content

***Note: Boards are strongly encouraged to publicly discuss, prior to the adoption of this policy, whether personal information about students will be published on the district or school web site. The Federal Trade Commission has adopted regulations (16 CFR 312.1-312.11) which prohibit the collection or use of personal information from children by commercial web sites or online services without parental consent. ***

The Superintendent or designee shall ensure that web site content protects the privacy rights of students, parents/guardians, staff, Board members and other individuals.

No personal information about students or their parents/guardians, including phone numbers, home addresses or e-mail addresses, shall be published on a district or school web page without permission. Student directory information shall not be published if parents/guardians have requested that it be withheld.

(cf. 1340 - Access to District Records)
(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)
(cf. 5022 - Student and Family Privacy Rights)

Photographs of students shall be used only with written permission from the students' parents/guardians.

Home addresses or telephone numbers of staff members shall not be posted.

***Note: Government Code 6254.21, added by SB 1386 (Ch. 429, Statutes of 1998), prohibits the district from posting on the Internet the home address or telephone number of any elected or appointed official, including school Board members, without first obtaining the written permission of that individual. ***

District and school web sites shall not post the home address or telephone number of any elected or appointed official without the prior written permission of that individual. (Government Code 6254.21)

(cf. 1100 - Communication with the Public)

***Note: Government Code 3307.5, added by AB 1586 (Ch. 338, Statutes of 1999), provides that no public safety officer can be required to consent to the use of his/her photograph or identity on the Internet under the circumstances described below. ***

No public safety officer shall be required as a condition of employment to consent to the use on

the Internet of his/her photograph or identity as a public safety officer for any purpose if that officer reasonably believes that the disclosure may result in a threat, harassment, intimidation or harm to the officer or his/her family. (Government Code 3307.5)

(cf. 3515.3 - District Police/Security Department)

The Superintendent or designee may establish standards for the design of district and school web sites in order to maintain a consistent identity, professional appearance and ease of use.

Staff and students may submit materials for web site publication to the district or school webmaster who shall ensure that the content adheres to district guidelines and policies.

Legal Reference:

EDUCATION CODE

35182.5 Contracts for advertising

35258 Internet access to school accountability report cards

48907 Exercise of free expression; rules and regulations

48950 Speech and other communication

49073 Release of directory information

60048 Commercial brand names, contracts or logos

GOVERNMENT CODE

3307.5 Publishing identity of public safety officers

6254.21 Publishing addresses and phone numbers of board members

UNITED STATES CODE, TITLE 17

101-1101 Federal copyright law

UNITED STATES CODE, TITLE 20

1232g Federal Family Educational Rights and Privacy Act (FERPA)

CODE OF FEDERAL REGULATIONS, TITLE 16

312.1-312.11 Children's Online Privacy

COURT DECISIONS

Aaris v. Las Virgenes Unified School District, (1998) 64 Cal.App.4th 1112

Perry Education Association v. Perry Local Educators' Association, (1983) 460 U.S. 37

Board of Education, Island Trees Union Free School District, et.al. v. Pico, (1982) 457 U.S. 853

3/00

ADOPTED: July 18, 2006

**GRAVENSTEIN UNION SCHOOL DISTRICT
Sebastopol, California**

CSBA Sample

Board Policy

Interdistrict Attendance

BP 5117

Students

Note: The Education Code authorizes several different methods under which a student can attend school in a district other than the district where he/she resides. Under an "interdistrict attendance permit," pursuant to Education Code 46600-46611, a student can attend a different district when both the district of residence and the district of proposed attendance agree (Option 1 below). Under the "school district of choice program," pursuant to Education Code 48300-48316, the Governing Board may declare the district to be a "district of choice" willing to accept a specific number of interdistrict transfers into the district (Option 2 below).

Note: In addition, Education Code 48204 authorizes a student to be declared a "resident" to attend a school in the district where his/her parent/guardian is employed (Allen bill transfer); see AR 5111.12 - Residency Based on Parent/Guardian Employment. A student attending a "low-achieving" school on the state's Open Enrollment List may transfer to a school in any other district in the state pursuant to Education Code 48350-48361; see BP/AR 5118 - Open Enrollment Act Transfers.

The Governing Board recognizes that students who reside in one district may choose to attend school in another district and that such choices are made for a variety of reasons.

(cf. 0520.3 - Title I Program Improvement Districts)

(cf. 5111.12 - Residency Based on Parent/Guardian Employment)

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 5118 - Open Enrollment Act Transfers)

OPTION 1: Interdistrict Attendance Permits

Note: The following section is for use by districts that accept transfers through interdistrict attendance permits pursuant to Education Code 46600-46611. Districts selecting this option should also select Option 1 and delete Option 2 in the accompanying administrative regulation.

Upon request by students' parents/guardians, the Superintendent or designee may approve interdistrict attendance permits with other districts on a case-by-case basis to meet individual student needs.

***Note: Education Code 46600 provides that an interdistrict permit may not exceed a term of five years. As amended by AB 2444 (Ch. 263, Statutes of 2010), Education Code

46600 specifies new terms and conditions for the permit; see the accompanying administrative regulation.***

The Superintendent or designee shall ensure that interdistrict permits specify the terms and conditions agreed to by both districts for the granting, denial, or revocation of the permit as well as the standards for reapplication.

Note: The following paragraph is optional.

The Superintendent or designee may deny the granting of an interdistrict attendance permit because of overcrowding within district schools or limited district resources.

OPTION 2: School District of Choice Program

Note: The following section is for use by districts that elect to participate in the school district of choice program pursuant to Education Code 48300-48316. Districts selecting this option should also delete Option 1 and select Option 2 in the accompanying administrative regulation. Pursuant to Education Code 48315, the school district of choice program has been reauthorized until July 1, 2016 and any district may participate in the program.

Note: Education Code 48301 authorizes the Board to accept transfers under the district of choice program and to annually determine the number of student transfers that will be accepted into the district. Pursuant to Education Code 48301, students must be selected for admittance using a random, unbiased process that prohibits an evaluation as to whether a student should be enrolled based on his/her academic or athletic performance. If the number of applicants exceeds the number of students the Board has elected to admit, Education Code 48301 provides that approval for student transfers shall be determined by a random drawing held in public at a regularly scheduled Board meeting.

Note: Education Code 48301 requires a district of choice, at its expense, to ensure that the annual audit of district funds conducted pursuant to Education Code 41020 include a review of the district's compliance with the requirements in Education Code 48301 regarding a random, unbiased selection process and factually accurate communications to parents/guardians (see the accompanying administrative regulation for details of the communication). A summary of any audit exceptions found by the auditor must be included in the reports identified below. See AR 3460 - Financial Reports and Accountability for requirements pertaining to the annual audit.

The Board has designated the district as a "school district of choice" and shall accept students who reside in other California districts but wish to attend a district school. Each year, the Superintendent or designee shall recommend to the Board the number of transfer students that the district will be able to accept and shall identify the schools, grade levels, and programs that will be able to accept these students.

Upon receiving the Superintendent's recommendation, the Board shall determine the number of students that will be accepted into the district through this program. This number shall be reflected in the minutes of the Board's meeting.

(cf. 9324 - Minutes and Recordings)

The Superintendent or designee shall establish a selection process which ensures that students applying through the program are admitted to district schools through a random, unbiased process that prohibits evaluation of whether a student should be enrolled based upon his/her academic or athletic performance. If the number of student applications exceeds the number of transfers the Board has designated for acceptance under the program, the Superintendent or designee shall conduct a random drawing in public at a regularly scheduled Board meeting. (Education Code 48301)

Note: In order to maintain the integrity of the random selection process, it is recommended that, when a district accepts students under the school district of choice program, the district should not also grant transfers through the interdistrict permit process pursuant to Education Code 46600-46611, except when extraordinary circumstances exist. Districts that wish to use both sources of authority should consult legal counsel.

Because the district admits students in accordance with the school district of choice program, the Superintendent or designee may admit a student based on an individual interdistrict attendance permit pursuant to Education Code 48300-48316 only in situations of extreme need and upon the request of the district of residence.

The Superintendent or designee shall maintain a record of requests for admittance that contains all of the following: (Education Code 48313)

1. The number of requests granted, denied, or withdrawn and, for denied requests, the reason for the denial
2. The number of students transferred out of and transferred into the district pursuant to this program
3. The race, ethnicity, gender, self-reported socio-economic status, and the district of residence for each student in item #2 above
4. The number of students in item #2 above who are classified as English learners or students with disabilities

The Superintendent or designee shall report to the Board, at a regularly scheduled meeting, the information specified in items #1-4 above. By May 15 of each year, the Superintendent or designee shall provide the same information, as well as information regarding the district's status as a school district of choice in the upcoming school year, to each geographically adjacent school district, the county office of education, the

California Department of Education, and the Department of Finance. (Education Code 48313)

The reports to the Board and other agencies shall also include a summary of audit exceptions, if any, resulting from the compliance review of components of the district of choice program conducted as part of the annual district audit. (Education Code 48301, 48313)

Transportation

Note: The following optional section is for use by all districts and should be revised to reflect district practice. Districts are not required to provide transportation or transportation assistance to students admitted under an interdistrict attendance permit pursuant to Education Code 46600-46611 or through the school district of choice program pursuant to Education Code 48300-48316.

The district shall not provide transportation outside any school attendance area. However, upon request, the Superintendent or designee may authorize transportation for students living outside an attendance area to and from designated bus stops within the attendance area if space is available. Priority for such transportation shall be based on demonstrated financial need.

Limits on Student Transfers out of the District to a School District of Choice

Note: The following optional section is for use by all districts.

Note: Pursuant to Education Code 48307, a district with an average daily attendance (ADA) of more than 50,000 may annually limit the number of students transferring out of the district to other districts that have designated themselves as school districts of choice to one percent of its current year estimated ADA. A district with less than 50,000 ADA may limit the number of students transferring out under the program to three percent of its current estimated ADA and may limit the maximum number of such transfers for the duration of the program to 10 percent of the ADA for that period. Because the statute is unclear as to the meaning of "duration of the program," districts with questions should consult legal counsel.

The Superintendent or designee may limit the number of student transfers out of the district to a school district of choice based on the percentages of average daily attendance specified in Education Code 48307.

***Note: Education Code 48307 authorizes a district of residence that has a negative status on the most recent budget certification made by the County Superintendent of Schools to limit the number of student transfers out of the district during that fiscal year to other districts that have designated themselves as a school district of choice. In addition, when a County Superintendent has determined that the district would not meet the state's standards and criteria for fiscal stability for the subsequent fiscal year

exclusively as a result of the impact of student transfers under the district of choice program, Education Code 48307 allows the district of residence to limit the number of transfers out of the district. The limitation is based on the number of additional transfers that the County Superintendent has identified that would exclusively result in a qualified or negative fiscal certification. However, Education Code 48307 provides that these limitations do not apply to students who, prior to June 30, 2009, had already transferred out and were already attending a school district of choice.***

In addition, transfers out of the district may be limited during a fiscal year when the County Superintendent of Schools has given the district a negative budget certification or when the County Superintendent has determined that the district will not meet the state's standards and criteria for fiscal stability in the subsequent fiscal year exclusively as a result of student transfers from this district to a school district of choice. (Education Code 48307)

(cf. 3100 - Budget)

(cf. 3460 - Financial Reports and Accountability)

Note: Pursuant to Education Code 48301, the district may prohibit a transfer under the school district of choice program if the Board determines that the transfer would negatively impact a court-ordered desegregation plan, a voluntary desegregation plan, or the racial and ethnic balance of the district. Crawford v. Huntington Beach Union High School District, a California appellate court held that a district's intradistrict open enrollment policy, which contained a racial and ethnic balance component as authorized by Education Code 35160.5, was unconstitutional. The court did not consider whether a policy based on a court-ordered or voluntary desegregation plan would be constitutional. According to the court, the constitutional provisions added by Proposition 209 in 1996 prohibit a district from adopting a policy containing different admission criteria on the basis of race.

Note: Although the provisions in Education Code 48301 relative to racial and ethnic balance remain in law, because of the continuing legal uncertainty, the following paragraph does not reflect those provisions of Education Code 48301. Districts that choose to deny interdistrict transfers on that basis should consult legal counsel.

Note: The following optional paragraph is for use by districts with either court-ordered or voluntary desegregation plans.

The district may deny a transfer of a student out of the district to a school district of choice if the Board determines that the transfer would negatively impact a court-ordered or voluntary desegregation plan of the district. (Education Code 48301)

Legal Reference:

EDUCATION CODE

41020 Annual district audits
46600-46611 Interdistrict attendance agreements
48204 Residency requirements for school attendance
48300-48316 Student attendance alternatives, school district of choice program
48350-48361 Open Enrollment Act
48915 Expulsion; particular circumstances
48915.1 Expelled individuals: enrollment in another district
48918 Rules governing expulsion procedures
48980 Notice at beginning of term
52317 Regional Occupational Center/Program, enrollment of students, interdistrict attendance

ATTORNEY GENERAL OPINIONS

87 Ops. Cal. Atty. Gen. 132 (2004)

84 Ops. Cal. Atty. Gen. 198 (2001)

COURT DECISIONS

Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

(11/07 11/09) 11/10

Board Policy

Interdistrict Attendance

BP 5117
Students

The Governing Board recognizes that students who reside in one district may choose to attend school in another district and that such choices are made for a variety of reasons.

(cf. 0520.3 - Title I Program Improvement Districts)
(cf. 5111.12 - Residency Based on Parent/Guardian Employment)
(cf. 5116.1 - Intradistrict Open Enrollment)

OPTION 1: Interdistrict Attendance Permits

Upon request by students' parents/guardians, the Superintendent or designee may approve interdistrict attendance permits with other districts on a case-by-case basis to meet individual student needs.

The interdistrict attendance permit shall not exceed a term of five years and shall stipulate the terms and conditions under which interdistrict attendance shall be permitted or denied. (Education Code 46600)

The Superintendent or designee may deny interdistrict attendance permits because of overcrowding within district schools or limited district resources.

Transportation

The district shall not provide transportation outside any school attendance area. However, upon request, the Superintendent or designee may authorize transportation for students living outside an attendance area to and from designated bus stops within the attendance area if space is available. Priority for such transportation shall be based on demonstrated financial need.

Limits on Student Transfers out of the District to a School District of Choice

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The Superintendent or designee may limit the number of student transfers out of the district to a school district of choice based on the percentages of average daily attendance specified in Education Code 48307.

In addition, transfers out of the district may be limited during a fiscal year when the County Superintendent of Schools has given the district a negative budget certification or when the County Superintendent has determined that the district will not meet the state's standards and criteria for fiscal stability in the subsequent fiscal year exclusively as a result of student transfers from this district to a school district of choice. (Education Code 48307)

(cf. 3100 - Budget)
(cf. 3460 - Financial Reports and Accountability)

The district may deny a transfer of a student out of the district to a school district of choice if the Board determines that the transfer would negatively impact a court-ordered or voluntary desegregation plan of the district. (Education Code 48301)

Legal Reference:

EDUCATION CODE

41020 Annual district audits

46600-46611 Interdistrict attendance agreements

48204 Residency requirements for school attendance

48300-48316 Student attendance alternatives, school district of choice program

48915 Expulsion; particular circumstances

48915.1 Expelled individuals: enrollment in another district

48918 Rules governing expulsion procedures

48980 Notice at beginning of term

52317 Regional Occupational Center/Program, enrollment of students, interdistrict attendance

ATTORNEY GENERAL OPINIONS

87 Ops.Cal.Atty.Gen. 132 (2004)

84 Ops.Cal.Atty.Gen. 198 (2001)

COURT DECISIONS

Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

(7/04 11/07) 11/09

**Adopted: March 10, 2010
June 8, 2011**

**Gravenstein Union School District
Sebastopol, California**

CSBA Sample

Administrative Regulation

Interdistrict Attendance

AR 5117
Students

OPTION 1: Interdistrict Attendance Permits

Note: Option 1 below is for use by districts that accept transfers into the district through interdistrict attendance permits pursuant to Education Code 46600-46611. (See Option 1 in the accompanying Board policy.) Districts selecting this option should delete Option 2 below and Option 2 in the accompanying Board policy. In 87 Ops.Cal.Atty.Gen. 132 (2004), the Attorney General opined that districts could not charge students a fee for processing applications for interdistrict attendance.

The Superintendent or designee may approve an interdistrict attendance permit for a student for any of the following reasons:

Note: Education Code 46601.5, which had encouraged districts to consider child care needs when evaluating a parent/guardian's request for an interdistrict transfer, sunsetted on June 30, 2007, and thus is no longer law. The provision of the law which specified that a district could not require students to reapply for such transfers as long as the child care needs continued to be met in that district also sunsetted. Districts have the option to authorize interdistrict permits based on child care needs under the general interdistrict transfer provisions, as specified below.

Note: Optional items #1-11 below should be deleted and/or revised to reflect district practice.

1. To meet the child care needs of the student

Such students may be allowed to continue to attend district schools only as long as they continue to use a child care provider within district boundaries.

2. To meet the student's special mental or physical health needs as certified by a physician, school psychologist, or other appropriate school personnel

(cf. 6159 - Individualized Education Program)

3. When the student has a sibling attending school in the receiving district, to avoid splitting the family's attendance

4. To allow the student to complete a school year when his/her parents/guardians

have moved out of the district during that year

5. To allow the student to remain with a class graduating that year from an elementary, junior, or senior high school
6. To allow a high school senior to attend the same school he/she attended as a junior, even if his/her family moved out of the district during the junior year
7. When the parent/guardian provides written evidence that the family will be moving into the district in the immediate future and would like the student to start the year in the district
8. When the student will be living out of the district for one year or less
9. When recommended by the school attendance review board or by county child welfare, probation, or social service agency staff in documented cases of serious home or community problems which make it inadvisable for the student to attend the school of residence

(cf. 5113.1 - Chronic Absence and Truancy)

10. When there is valid interest in a particular educational program not offered in the district of residence
11. To provide a change in school environment for reasons of personal and social adjustment

Note: Education Code 46600 specifies that the interdistrict attendance permit shall stipulate the terms and conditions under which the permit may be granted, rejected, or revoked. As amended by AB 2444 (Ch. 263, Statutes of 2010), Education Code 46600 now requires that, once an interdistrict permit is granted and the student is enrolled in the new school, the district of enrollment (1) may not require the student to reapply; (2) must allow the student to continue to attend the school, unless the permit contains specific standards for reapplication; and (3) along with the district of residence, may not revoke the student's existing permit if he/she is entering grade 11 or 12. Therefore, it appears that, even if a permit has expired, the student may be allowed to continue attending the school to which he/she has transferred, unless the permit document itself contains specific language requiring reapplication.

Note: Examples of conditions that may result in revocation include falsification of information stated on the permit application, unsatisfactory attendance, continual disruption, or poor academic achievement.

An interdistrict attendance permit shall not exceed a term of five years. Each permit shall stipulate the terms and conditions established by both districts under which interdistrict attendance shall be permitted, denied, or revoked, and any standards for reapplication.

(Education Code 46600)

Once a student is enrolled in a school, he/she shall not be required to reapply for an interdistrict transfer and shall be allowed to continue to attend the school in which he/she is enrolled, unless reapplication standards are otherwise specified in the permit. Existing interdistrict attendance permits shall not be rescinded for students entering grade 11 or 12 in the subsequent school year. (Education Code 46600)

Note: In 84 Ops.Cal.Atty.Gen. 198 (2001), the Attorney General opined that a lack of school facilities is a justifiable reason for denial of the interdistrict attendance permit request, including a request based on the child care needs of the student. However, according to the Attorney General, once the student is admitted the district may not later deny the student continued attendance at a district school because of overcrowding. Although Attorney General opinions are not binding on the courts, they are generally afforded deference in the court when there is no specific statutory or case law to the contrary. The following paragraph is based on this Attorney General opinion.

The Superintendent or designee may deny initial requests for interdistrict attendance permits if school facilities are overcrowded at the relevant grade level or based on other considerations that are not arbitrary. However, once a student is admitted, the district may not deny him/her continued attendance because of overcrowded facilities at the relevant grade level.

Note: Education Code 46601 requires that, within 30 days of a request for an interdistrict permit, parties whose permit application was rejected must be informed about their right to appeal to the County Board of Education and about the appeal process involved. This notice shall be provided by the district denying the request, or, in the absence of an agreement between the districts, by the district of residence. Pursuant to Education Code 46603, the district may provisionally admit a student for two school months pending the outcome of the student's appeal of the denial of the request.

Within 30 days of a request for an interdistrict permit, the Superintendent or designee shall notify the parents/guardians of a student who is denied interdistrict attendance regarding the process for appeal to the County Board of Education as specified in Education Code 46601. (Education Code 46601)

(cf. 5145.6 - Parental Notifications)

Students who are under consideration for expulsion or who have been expelled may not appeal interdistrict attendance denials or decisions while expulsion proceedings are pending or during the term of the expulsion. (Education Code 46601)

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

OPTION 2: School District of Choice Program

Note: The following section is for use by districts that elect to participate in the school district of choice program pursuant to Education Code 48300-48316. Districts selecting this option should delete Option 1 above and Option 1 in the accompanying Board policy. The program has been reauthorized by the Legislature until July 1, 2016 and any district may participate in the program.

Applications for interdistrict attendance shall be submitted to the district office by January 1 of the school year preceding the school year for which the student may be transferred. The application deadline may be waived upon agreement between the district and the student's district of residence. (Education Code 48308)

The application deadline shall not apply to an application requesting a transfer if the parent/guardian with whom the student resides is enlisted in the military and was relocated by the military within 90 days prior to submitting the application. (Education Code 48308)

(cf. 6173.2 - Education of Children of Military Families)

The Superintendent or designee shall ensure that any communication sent to parents/guardians is factually accurate and does not target particular neighborhoods or individual parents/guardians on the basis of a child's actual or perceived academic or athletic performance or any other personal characteristic. (Education Code 48301)

The district shall give priority for attendance to siblings of students already in attendance in the district. (Education Code 48306)

Note: The following optional paragraph is for use by districts that have chosen to give attendance priority to children of military personnel pursuant to Education Code 48306.

The district shall give priority for attendance to children of military personnel.

Note: Pursuant to Education Code 48305, if the district chooses to use existing entrance criteria for specialized schools or programs, then the criteria must be uniformly applied. The following optional paragraph is for use by districts that choose to use existing entrance criteria.

Any existing entrance criteria for specialized schools or programs shall be uniformly applied to all applicants. (Education Code 48305)

Note: The following two paragraphs are optional and should be revised to reflect district practice.

Not later than 90 days after the district receives an application for transfer, the Superintendent or designee shall notify the parent/guardian in writing whether the

application has been provisionally accepted or rejected and of the student's position on any waiting list.

Whenever the number of applicants exceeds the number of interdistrict transfers that may be accepted as determined by the Governing Board, students accepted for transfer shall be selected by a random drawing of the provisionally accepted applications.

Final acceptance or rejection of applications shall be made by May 15 preceding the school year for which the student may be transferred. (Education Code 48308)

However, if an application is submitted for a student who is residing with a parent/guardian enlisted in the military and that parent/guardian was relocated by the military 90 days prior to the submission of the application, then the district shall make a final decision to accept or reject the application within 90 days of its receipt. If the student's application has been submitted less than 90 days prior to the beginning of the school year, then the district shall accept or deny the application before the school year begins. Upon his/her acceptance, the student may immediately enroll in a district school. (Education Code 48308)

Note: The following paragraph is optional.

The Superintendent or designee shall notify the student's district of residence of the district's decision.

Students admitted through the school district of choice program are deemed to have fulfilled district residency requirements pursuant to Education Code 48204. (Education Code 48301)

(cf. 5111.1 - District Residency)
(cf. 5116.1 - Intradistrict Open Enrollment)

Final acceptance of the transfer is applicable for one school year and shall be renewed automatically each year unless the Board, by adoption of a resolution, withdraws from participation in the program and no longer accepts transfer students from other districts. (Education Code 48308)

Note: The following paragraph is for use by districts maintaining high schools.

Even if the district withdraws from participation in the program, admitted high school students may continue attending school in the district until they graduate from high school. (Education Code 48308)

The district may accept any completed coursework, attendance, and other academic progress credited to an accepted student by any district(s) he/she has previously attended and may grant academic standing to the student based upon the district's evaluation of the student's academic progress. (Education Code 48309)

(cf. 6146.3 - Reciprocity of Academic Credit)

The district may revoke a student's enrollment if he/she is recommended for expulsion pursuant to Education Code 48918. (Education Code 48309)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

Note: Pursuant to Education Code 48301, the district may prohibit a transfer under the school district of choice program if the Governing Board determines that the transfer would negatively impact a court-ordered desegregation plan, a voluntary desegregation plan, or the racial and ethnic balance of the district. In *Crawford v. Huntington Beach Union High School District*, a California appellate court held that a district's intradistrict open enrollment policy, which contained a racial and ethnic balance component as by Education Code 35160.5, was unconstitutional. The court did not consider whether a policy based on a court-ordered or voluntary desegregation plan would be constitutional. According to the court, the constitutional provisions added by Proposition 209 in 1996 prohibit a district from adopting a policy containing different admission criteria on the basis of race.

Note: Although the provisions in Education Code 48301 relative to racial and ethnic balance remain in law, because of the legal uncertainty surrounding this issue, the following paragraph does not reflect those provisions of Education Code 48301. Districts that choose to deny interdistrict transfers on that basis should consult legal counsel.

The district may deny a transfer into the district under the school district of choice program if:

1. The Board determines that the transfer into or out of the district would negatively impact a court-ordered or voluntary desegregation plan of the district. (Education Code 48301)

Note: Education Code 48303 provides that a district may not deny a transfer because the additional cost of educating the student would exceed the amount of additional state aid to be received. This section is intended to ensure that special education students, English learners, and other special needs students are able to participate in the program. However, pursuant to Education Code 48303, a transfer may be rejected if it would require the district to create a new program to serve the student, as specified below.

2. The transfer into the district would require the district to create a new program to serve that student, except that the district shall not reject the transfer of a student with disabilities or an English learner. (Education Code 48303)

Administrative Regulation

Interdistrict Attendance

AR 5117

Students

OPTION 1: Interdistrict Attendance Permits

The Superintendent or designee may approve an interdistrict attendance permit for a student for any of the following reasons:

1. To meet the child care needs of the student

Such students may be allowed to continue to attend district schools only as long as they continue to use a child care provider within district boundaries.

2. To meet the student's special mental or physical health needs as certified by a physician, school psychologist, or other appropriate school personnel

(cf. 6159 - Individualized Education Program)

3. When the student has a sibling attending school in the receiving district, to avoid splitting the family's attendance

4. To allow the student to complete a school year when his/her parents/guardians have moved out of the district during that year

5. To allow the student to remain with a class graduating that year from an elementary, junior, or senior high school

6. When the parent/guardian provides written evidence that the family will be moving into the district in the immediate future and would like the student to start the year in the district

7. When the student will be living out of the district for one year or less

8. When recommended by the School Attendance Review Board or by county child welfare, probation, or social service agency staff in documented cases of serious home or community problems which make it inadvisable for the student to attend the school of residence

(cf. 5113.1 - Truancy)

9. When there is valid interest in a particular educational program not offered in the district of residence

10. To provide a change in school environment for reasons of personal and social adjustment

***Note: Education Code 46600 provides that the district of attendance shall stipulate the terms and conditions under which an interdistrict attendance permit granted to an individual student may be revoked. Such conditions might include truancy or continual disruption. ***

Every interdistrict attendance permit shall stipulate the terms and conditions under which the permit may be revoked. (Education Code 46600) Interdistrict permit applications will be required annually.

***Note: In 84 Ops.Cal.Atty.Gen. 198 (2001), the Attorney General opined that a lack of school facilities is a justifiable reason for denial of the interdistrict attendance permit request, including a request based on the child care needs of the student. However, according to the Attorney General, once the student is admitted the district may not later deny the student continued attendance at district schools because of overcrowding. Although Attorney General opinions are not binding on the courts, they are generally afforded deference in the court when there is no specific statutory or case law to the contrary. The following paragraph is based on this Attorney General opinion. ***

The Superintendent or designee may deny initial requests for interdistrict attendance permits if school facilities are overcrowded at the relevant grade level or based on other considerations that are not arbitrary. However, once a student is admitted, the district may not deny him/her continued attendance because of overcrowded facilities at the relevant grade level.

***Note: Education Code 46601 requires that, within 30 days of a request for an interdistrict permit, denied parties must be informed about their right to appeal to the County Board of Education and about the appeal process involved. This notice shall be provided by the district denying the request, or, in the absence of an agreement between the districts, by the district of residence. Pursuant to Education Code 46603, the district may provisionally admit a student for two school months pending the outcome of the student's appeal of the denial of the request. ***

Within 30 days of a request for an interdistrict permit, the Superintendent or designee shall notify the parents/guardians of a student who is denied interdistrict attendance regarding the process for appeal to the County Board of Education as specified in Education Code 46601. (Education Code 46601)

(cf. 5145.6 - Parental Notifications)

Students who are under consideration for expulsion or who have been expelled may not appeal interdistrict attendance denials or decisions while expulsion proceedings are pending, or during the term of the expulsion. (Education Code 46601)

(cf. 5119 - Students Expelled from Other Districts)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

The district may accept any completed coursework, attendance, and other academic progress credited to an accepted student by any district(s) he/she has previously attended and may grant academic standing to the student based upon the district's evaluation of the student's academic progress. (Education Code 48309)

(cf. 6146.3 - Reciprocity of Academic Credit)

The district may revoke a student's enrollment if he/she is recommended for expulsion pursuant to Education Code 48918. (Education Code 48309)

(11/05 11/07) 11/09

Adopted: March 10, 2010
June 8, 2011

Gravenstein Union School District
Sebastopol, California

From SCOE Board -

Suggested Practices Protocol for the Interdistrict Agreement

1. It is the parent's responsibility to start the interdistrict process at their district of residence. If the district of desired attendance supplies the form they should make sure that the form includes page 2 (the parents rights). The parents may mail the form or take the form to their district of residence.
2. Districts will review transfer permit requests on a case-by-case basis and consider the impact on the student and family as well as the impact on their district when making decisions to approve or deny the request.
3. The district of residence is given the first opportunity to approve or deny a transfer permit.
4. The district of desired attendance will not approve a transfer permit, or enroll a student, until the family has first applied for the permit to their district of residence.
5. If a district of desired attendance chooses to enroll a student who has been denied a permit by their district of residence, the district of desired attendance will notify the parent of the typical 30-day window for processing an appeal to the SCOE Board, and the 60-day limit of the provisional admission.
6. If a district of residence requires annual renewal of interdistrict permits, the district of residence will notify all current K-10 permit holders in January of their policies and procedures. Permit holders will be encouraged to apply for subsequent year permits by [month?].
7. All districts will notify parents of their timelines for reviewing and approving or denying transfer requests.
8. If possible, interdistrict permit approvals or denials for subsequent year enrollment will be made by June 1st of each year so that appeals can be concluded before school starts.
9. Districts of residence and desired attendance will communicate with each other within 10 school days about the identities of students requesting new permits and the districts' timelines for decisions.
10. If a district of desired attendance accepts a student, that district will accept the student for a minimum of 3 years, unless the student commits an expellable offense.
11. Districts will have objective/measurable criteria for eligibility in programs that are targeted for "Gifted" students.
12. Districts will verify the accuracy of the residency of a student and will not collect ADA, or will dismiss students, who are not truthfully residing within their district boundaries.
13. If a district of desired attendance accepts a student based on employment for residency, the district accepts all the children in that family.

**AGREEMENT OF THE PARTICIPATING SCHOOL DISTRICTS IN
SONOMA COUNTY REGARDING INTERDISTRICT ATTENDANCE
AGREEMENTS (Education Code Sections 46600 et seq.)**

This Agreement is made and entered into by and between the undersigned school districts and shall be effective as of July 1, 2011. The parties agree as follows:

- Education Code 46600(a) provides that "The governing boards of two or more school districts may enter into an agreement for a term not to exceed five school years, for the interdistrict attendance of pupils who are residents of the districts."
- Education Code 46600(a) further provides that "The agreement shall stipulate the terms and conditions under which interdistrict attendance shall be permitted or denied."
- Assembly Bill No. 2444 (Ch. 263, Statutes of 2010), amended Education Code 46600 so as to allow the interdistrict attendance agreement to contain standards for reapplication and revocation of interdistrict transfers agreed to by the district of residence and the district of attendance.
- The undersigned school districts seek to serve the students in their districts in an efficient and collaborative manner.
- Pursuant to Assembly Bill No. 2444 (Ch. 263, Statutes of 2010), the Governing Boards of the school districts listed below hereby agree that when interdistrict transfer requests are approved the reapplication and revocation of such permits shall be subject to each district's own interdistrict transfer provisions as set forth in its Board Policy and Regulations, which are attached hereto and incorporated by reference herein as though fully set forth.
- Each of the undersigned school districts shall continue to exercise their individual authority for acceptance or rejections of the individual transfer permits as permitted by law.
- This Agreement shall govern all interdistrict transfer permits submitted for the 2011-12 school year and on.
- This Agreement shall continue for a five year term. On or about May of each year, the undersigned school districts will review this Agreement for purposes of extending the term for an additional year.
- This Agreement shall supersede all prior interdistrict attendance agreements between the undersigned school districts.
- Any of the undersigned school districts may terminate its obligations under this Agreement upon giving ninety (90) days prior written notice to all the other school districts subject this Agreement.

2

Board Approved Two-page Agreement

Alexander Valley Union	<u>no</u>	Montgomery	<u>no</u>
Bellevue Union	<u>yes</u>	Oak Grove Union	<u>no</u>
Bennett Valley Union	<u>yes</u>	Old Adobe Union	<u>yes</u>
Cinnabar	<u>no</u>	Petaluma City	<u>yes</u>
Cloverdale Unified	<u>no</u>	Petaluma Joint Union High	<u>yes</u>
Cotati-Rohnert Park Unified	<u>yes</u>	Piner-Olivet Union	<u>yes</u>
Dunham	<u>no</u>	Rincon Valley Union	<u>yes</u>
Forestville Union	<u>no</u>	Roseland	<u>yes</u>
Fort Ross	<u>yes</u>	Santa Rosa City	<u>yes</u>
Geyserville Unified	<u>no</u>	Santa Rosa City High	<u>yes</u>
Gravenstein Union	<u>yes</u>	Sebastopol Union	<u>yes</u>
Guerneville	<u>no</u>	Sonoma Valley Unified	<u>no</u>
Harmony Union	<u>no</u>	Twin Hills Union	<u>yes</u>
Healdsburg Unified	<u>no</u>	Two Rock Union	<u>no</u>
Horicon	<u>no</u>	Waugh	<u>yes</u>
Kashia	<u>no</u>	West Side Union	<u>yes</u>
Kenwood	<u>no</u>	West Sonoma County High	<u>no</u>
Liberty	<u>yes</u>	Wilmar Union	<u>yes</u>
Mark West Union	<u>yes</u>	Windsor Unified	<u>yes</u>
Monte Rio Union	<u>no</u>	Wright	<u>yes</u>

SCHOOL AND COLLEGE LEGAL SERVICES of California

General Counsel
Margaret M. Merchat

Attorneys
Nancy L. Klein
Marko H. Fong
Carl D. Corbin
Patrick C. Wilson
Loren W. Soukup
Frank Zotter, Jr.
Kristina T. Jansen

*A Joint Powers Authority serving school and
college districts throughout the state*

Reply to:
Santa Rosa Office
5350 Skyland Blvd.
Santa Rosa, CA 95403
(707) 524-2690
Fax: (707) 578-0517
santarosa@sciscal.org

Of Counsel
Robert J. Henry
Virginia A. Riegel
Janna L. Lambert

January 27, 2012

~~~~~  
Susanne K. Reed  
(1947 - 2010)

**To:** Sonoma County Superintendents  
**From:** Loren W. Soukup, Assistant General Counsel  
**Re:** Sonoma County Board of Education Interdistrict Attendance Appeals Policy

I have been asked by the Sonoma County Board of Education ("Board") to attend the upcoming Sonoma County Superintendent's Meeting on February 3, 2012 to discuss the proposed revisions to Board Policy 5117 - Interdistrict Attendance Appeals. Given that the proposed policy will affect all Sonoma County school districts, the Board would like your input before it takes final action to adopt the revised policy. To assist you in preparing for this discussion, I have outlined the revisions that have been made and have attached the proposed revised policy. For your convenience, I have also included a summary of conditions in which school districts will be able to obtain deference by the Board under the new proposed policy.

Below, please find an outline of all revisions made to Board Policy 5117. Please refer to the enclosed policy for the associated numerical revision of each numbered paragraph.

1. The proposed policy encourages parents and legal guardians to consult with their district of residence and/or district of desired attendance about other transfer options that may be available to them besides an Interdistrict Attendance Request, i.e. Employment-Related Attendance, District of Choice Transfer. This provision has been added to encourage school districts to have a candid conversation about all of the transfer options that might be available.
2. This proposed language provides school districts and parents/legal guardians with the Board's expectations regarding Interdistrict Attendance Transfers. Specifically, the Board wants to encourage every school district to evaluate the individual student and his/her best interests when making its determination about a transfer request. The Board discourages school districts from the enacting "blanket" policies that do not consider the individual student.
3. All new County Board members will have an opportunity receive interdistrict attendance training prior to their first appeal hearing to ensure that the entire Board is educated about interdistrict attendance appeals and applicable process.

4. This section was revised to clarify the appeal notification timeline. No substantive changes were made.
5. This proposed language encourages parents/legal guardians to seek approval of the transfer request from the district of residence before taking it to the district of desired attendance. The Board believes that this will help to ensure that the district of residence is aware of those students making transfer requests and ensure that the requests are processed in a timely manner.
6. This proposed language addresses those students who are provisionally enrolled in the district of desired attendance pending the appeal hearing. If a student is provisionally enrolled, the district of desired attendance will have the obligation to notify the district of residence within 3 school days, unless there is good cause for a delay, and both districts will be required to expeditiously process the transfer request. If the district of desired attendance does not comply with this timeline, the Board will not give deference to the district's determination. This proposed revision addresses the Board's concerns that both school districts have immediate knowledge about the provisional enrollment and both process the transfer request in a timely manner.
7. This section was revised to clarify those transfer requests that are not subject to an appeal. No substantive changes were made.
8. This proposed language clarifies that if any new evidence or information is received prior to the appeal hearing, the County Superintendent of Schools or designee is required to refer the matter back to the school district(s) denying the request for further consideration. The school district(s) will have 10 calendar days to consider the new evidence. If the parent/legal guardian is unsatisfied with the school district(s)'s subsequent determination or the school district does not comply with the 10 day timeline, the parent/legal guardian will have the right to appeal the matter back to the Board and all of the appeal timelines will start over. These proposed revisions were made to ensure that school districts have the opportunity to consider all new evidence/information, and potentially revise their decisions, prior to the appeal hearing in light of the new information.
9. The County Superintendent of Schools or designee will continue to provide the Board with an executive summary of the case, however, the County Superintendent of Schools or designee will no longer be attending the hearings.
10. The County Superintendent of Schools or designee will now offer mediation between the school district(s) and the parent/legal guardian prior to the appeal hearing. The Board believes it is in the best interest of all parties if the matter can be mutually resolved prior to the appeal hearing.
11. The parties will be required to provide the County Superintendent of Schools or designee with all information pertaining to the appeal no later than 10 days prior to the hearing. This proposed requirement will allow the County Superintendent of Schools or designee sufficient time to provide a comprehensive executive summary to the Board.
12. If the County Superintendent of Schools or designee believes that a discussion about the viability of the case might assist either party, the Board has authorized such discussion.

13. Since a verbatim transcript is not legally required, the Board proposes to revise its policy to simply ensure that a record of the hearing is made.
14. If new evidence or information is presented at the appeal hearing, which was not previously disclosed, the Board will suspend the hearing to allow the parties an opportunity to discuss and consider the new evidence/information. If no resolution is reached, the Board has the option to either remand the matter back to the school district(s) or continue the hearing. If the Board decides to continue the hearing, it may decide whether or not to consider the new evidence/information. If the matter is remanded back, the school district(s) will have 10 calendar days to review the new evidence/information and the parent/legal guardian will retain the right to appeal the subsequent decision and the appeal timelines will start over. This revision is being proposed to allow school districts the opportunity to timely resolve the matter without the Board's involvement based on the new evidence.
15. The party requesting the appeal shall be required to provide credible evidence that the transfer is necessary instead of clear and convincing evidence. This proposed revision would lower the burden of proof for the appealing party.
16. The Board has proposed language which obligates them to give deference to the school district(s) determination(s) if the school district(s) has complied with the district's and County Office's Interdistrict Attendance Permit Procedures. In addition, the proposed language would provide deference to the school district(s) decision if it is clear that the school district(s) provided the parent/legal guardian with a fair and equitable review and the individual needs of the student were evaluated. This new language has been proposed to encourage districts to comply with the proposed policy requirements.
17. If the Board permits a student to attend in the desired district, the student will be permitted to continue attending in the district through its highest grade level, subject to the district's policies and procedures and applicable state and federal laws. As such, if a school district has an interdistrict attendance agreement with the student's district of residence and it provides for annual reapplication, the student will be required to reapply like any other interdistrict transfer student. However, if the districts do not have an interdistrict attendance agreement, the student may remain in the district until its highest grade level as permitted by state law.



BP 5117(a)

Interdistrict Attendance Appeals

Education Code Section 48200 provides that students should attend school in the district where their parents or guardians reside. At the same time, Education Code Sections 46600 et. seq. authorizes parents or guardians to request a permit to attend a district other than the district of residence. A parent or legal guardian may appeal the failure or refusal to approve an interdistrict attendance request to the Sonoma County Board of Education. The Board shall grant or deny an appeal on its merits. Other transfer options may be available to students, so parents and legal guardians are encouraged to consult with their district of residence or district of desired attendance to obtain additional information about these options.

①

The Board strongly believes that the Interdistrict Attendance process should be a thoughtful and consistent one for all parties involved. The Board anticipates that local school districts will comply with the district's and County Office's Interdistrict Attendance Permit Procedures. The Board assumes that parents and legal guardians will be making transfer requests in the best interest of their student and the district(s) will be considering the student's best interests and the best interests of the district as a whole in making their determinations. The Board will take these aspects into consideration when making its determination to grant or deny an appeal.

②

New Board members will be given the opportunity to attend training on the interdistrict attendance appeal process prior to their first appeal hearing.

③

A. Conditions Under Which an Appeal May be Made

④

1. Interdistrict attendance Permit Appeal Notification Timeline sought for current school year:

(a) If the governing board of either school district fails or refuses to approve an interdistrict attendance request, the district denying the request or the district of residence must inform the parent or legal guardian, within thirty (30) calendar

### **Conditions to Obtain Deference by the County Board of Education**

- Districts have complied with the district's and the County Office's Interdistrict Attendance Permit Procedures.
- If it is clear that a fair and equitable review of the transfer request has been conducted
- If it is clear that the needs of the student making the request have been evaluated on an individual basis

# **CSBA Sample**

## **Board Policy**

### **Superintendent's Contract**

BP 2121  
**Administration**

\*\*\*Note: The following optional policy should be modified to reflect district practice.  
\*\*\*

The Governing Board believes that the Superintendent's employment contract should outline the framework through which the Board and Superintendent are to work together to achieve district goals and objectives. When approving the Superintendent's employment contract, the Board shall consider the need for stability in district administration and shall ensure the best use of district resources.

(cf. 2120 - Superintendent Recruitment and Selection)  
(cf. 4312.1 - Contracts)  
(cf. 9000 - Role of the Board)

The contract shall be reviewed by the district's legal counsel and shall, at a minimum, include the following:

1. The general duties and responsibilities of the position

(cf. 2110 - Superintendent Responsibilities and Duties)

2. The duration of the contract, which shall be for no more than four years pursuant to Education Code 35031

3. The salary, benefits, and other compensation for the position

(cf. 4154/4254/4354 - Health and Welfare Benefits)

4. The criteria, process, and procedure for evaluation and the conditions for reemployment

(cf. 2140 - Evaluation of the Superintendent)

5. The conditions for termination of the contract including the maximum cash settlement that the Superintendent may receive upon termination of the contract

\*\*\*Note: Pursuant to Government Code 54957, personnel matters related to the appointment or employment of an employee may appropriately be discussed in closed

session. However, pursuant to Government Code 54956, as amended by AB 1344 (Ch. 692, Statutes of 2011), the Governing Board is prohibited from deliberating on the salary or other compensation of the Superintendent at a special meeting. See BB 9320 - Meetings and Notices and BB 9321 - Closed Session Purposes and Agendas. \*\*\*

The Board shall deliberate in the closed session of a regular meeting about the terms of the contract. (Government Code 54956, 54957)

(cf. 9320 - Meetings and Notices)  
(cf. 9321 - Closed Session Purposes and Agendas)  
(cf. 9321.1 - Closed Session Actions and Reports)

Terms of the contract shall remain confidential until the ratification process commences.

(cf. 9011 - Disclosure of Confidential/Privileged Information)

The Board shall ratify the Superintendent's contract in an open meeting, which shall be reflected in the Board's minutes. Copies of the contract shall be available to the public upon request. (Government Code 53262)

(cf. 1340 - Access to District Records)  
(cf. 3580 - District Records)

\*\*\*Note: The following optional paragraph provides that any extension of the contract be based on Board action rather than automatic "rollover" or "evergreen" provisions. Government Code 3511.2, as added by AB 1344 (Ch. 692, Statutes of 2011), prohibits the automatic renewal of a contract with a provision for automatic increase that exceeds the cost of living adjustment. \*\*\*

During an existing contract, the Board may reemploy the Superintendent on mutually agreed upon terms and conditions. However, the Superintendent's contract shall be extended only by Board action subsequent to a satisfactory evaluation of the Superintendent's performance and in accordance with Government Code 3511.2.

#### Decision not to Reemploy

\*\*\*Note: Pursuant to Education Code 35031, the Board must notify the Superintendent, as specified in the following optional paragraph, if it decides to not reemploy him/her. If the Board fails to provide the required prior written notice, the Superintendent shall be deemed reemployed for a term of the same length as the one completed, under the same terms and conditions, and with the same compensation. \*\*\*

If the Board determines to not reemploy the Superintendent at the expiration of his/her contract, the Board shall provide written notice to him/her at least 45 days in advance of the expiration of the term of the contract. (Education Code 35031)

## Termination of Contract

\*\*\*Note: Pursuant to Government Code 53260, every employee contract must include a provision limiting the maximum cash settlement the employee may receive upon termination of the contract to an amount equal to his/her monthly salary multiplied by the number of months left on the contract. If the unexpired term is greater than 18 months, this maximum is equal to the monthly salary multiplied by 18. Cash settlements may be less than these maximums. The district must make termination agreements available to the public upon request. See AR 4117.5/4217.5/4317.5 - Termination Agreements. \*\*\*

The Board may terminate the Superintendent's contract of employment in accordance with law and applicable contract provisions. If the unexpired term of the contract is more than 18 months, the maximum cash settlement shall be no greater than the Superintendent's monthly salary multiplied by 18. The cash settlement shall not include any noncash items other than health benefits, which may be continued for the unexpired term of the contract up to 18 months or until the Superintendent finds other employment, whichever occurs first. (Government Code 53260, 53261)

(cf. 4117.5/4217.5/4317.5 - Termination Agreements)

However, when the termination of the Superintendent's contract is based upon the Board's belief and subsequent confirmation through an independent audit that the Superintendent has engaged in fraud, misappropriation of funds, or other illegal fiscal practices, the maximum settlement shall be as determined by an administrative law judge but no greater than the Superintendent's monthly salary multiplied by six. (Government Code 53260)

\*\*\*Note: Pursuant to Government Code 53243-53243.4, as added by AB 1344 (Ch. 692, Statutes of 2011), effective January 1, 2012, any Superintendent contract to be executed or renewed by the Board must contain a provision requiring the Superintendent to reimburse the district in circumstances specified below. \*\*\*

In addition, if the Superintendent is convicted of a crime involving an abuse of his/her office or position, he/she shall reimburse the district for payments he/she receives as paid leave salary pending investigation or as cash settlement upon his/her termination, and for any funds expended by the district in his/her defense against a crime involving his/her office or position. (Government Code 53243-53243.4, 53260)

### Legal Reference:

EDUCATION CODE

35031 Term of employment

41325-41329.3 Conditions of emergency apportionment

GOVERNMENT CODE

3511.1-3511.2 Local agency executives

53243-53243.4 Abuse of office



53260-53264 Employment contracts  
54954 Time and place of regular meetings  
54957 Closed session personnel matters  
54957.1 Closed session, public report of action taken

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Governance: Superintendent Evaluation, 2006

Maximizing School Board Governance: Superintendent Selection and Employment, 2004

WEB SITES

CSBA, Governance Consulting Services: <http://www.csba.org>

Association of California School Administrators: <http://www.acsa.org>

(7/01 11/04) 11/11

## **Board Policy**

### **Superintendent's Contract**

BP 2121  
**Administration**

\*\*\*Note: The following optional policy should be modified to reflect district practice.\*\*\*

In approving employment contracts with the Superintendent, the Governing Board wishes to encourage the Superintendent's long-term commitment to the district and community while carefully considering the financial and legal implications of the contract in order to protect the district from any potentially adverse obligations.

(cf. 2120 - Superintendent Recruitment and Selection)  
(cf. 4312.1 - Contracts)  
(cf. 9000 - Role of the Board)

The Board shall designate a representative to negotiate with the Superintendent on its behalf and shall consult legal counsel to draft the contract document.

\*\*\*Note: Pursuant to Government Code 54957, personnel matters related to the appointment or employment of an employee may appropriately be discussed in closed session. See BB 9321 - Closed Session Purposes and Agendas.\*\*\*

The Board shall deliberate in closed session about the terms of the contract.  
(Government Code 54957)

(cf. 9321 - Closed Session Purposes and Agendas)  
(cf. 9321.1 - Closed Session Actions and Reports)

Terms of the contract shall remain confidential until the ratification process commences.

(cf. 9011 - Disclosure of Confidential/Privileged Information)

The Board shall ratify the Superintendent's contract in an open meeting, which shall be reflected in the Board's minutes. Copies of the contract shall be available to the public upon request. (Government Code 53262)

(cf. 3580 - District Records)

The contract shall include, but not be limited to, provisions for salary and benefits, annual evaluations, term of the contract, and conditions for termination of the contract. The contract should also include general responsibilities and duties of the Superintendent.

(cf. 2110 - Superintendent Responsibilities and Duties)

The term of the contract shall be for no more than four years. (Education Code 35031)

During the term of the contract, the Board may reemploy the Superintendent on those terms and conditions mutually agreed upon by the Board and Superintendent. (Education Code 35031)

\*\*\*Note: The following optional paragraph provides that any extension of the contract be based on Board action rather than automatic "rollover" or "evergreen" provisions. CSBA strongly recommends that such a provision be included in the contract in order to give greater flexibility to the Board to not extend a contract or to limit the term of its extension.\*\*\*

The Superintendent's contract shall be extended only by Board action and subsequent to a satisfactory evaluation of the Superintendent's performance.

(cf. 2140 - Evaluation of the Superintendent)

\*\*\*Note: Pursuant to Education Code 35031, if the Board fails to give prior written notice that it intends not to reemploy the Superintendent, the Superintendent shall be deemed reemployed for a term of the same length as the one completed, under the same terms and conditions, and with the same compensation.\*\*\*

In the event that the Board determines not to reemploy the Superintendent, the Board shall provide written notice to the Superintendent at least 45 days in advance of the expiration of the term of the contract. (Education Code 35031)

\*\*\*Note: Pursuant to Government Code 53260, every employee contract must include a provision limiting the maximum cash settlement the employee may receive upon termination of the contract to an amount equal to his/her monthly salary multiplied by the number of months left on the contract. If the unexpired term is greater than 18 months, this maximum is equal to the monthly salary multiplied by 18. Cash settlements may be less than these maximums. Government Code 53261 provides that the cash settlement may not include any noncash items other than health benefits, which may be continued for the unexpired term up to 18 months or until the employee finds other employment, whichever occurs first. The district must make termination agreements available to the public upon request. See AR 4117.5/4217.5/4317.5 - Termination Agreements.\*\*\*

The Superintendent's contract shall include a provision specifying the maximum cash settlement that the Superintendent may receive upon termination of the contract. However, if the unexpired term of the contract is greater than 18 months, the maximum cash settlement shall be no more than the Superintendent's monthly salary multiplied by 18. The cash settlement shall not include any noncash items other than health benefits, which may be continued for the unexpired term of the contract up to 18 months or until the Superintendent finds other employment, whichever occurs first. (Government Code

53260, 53261)

(cf. 4117.5/4217.5/4317.5 - Termination Agreements)

\*\*\*Note: As amended by AB 2756 (Ch. 52, Statutes of 2004) and subsequently by AB 2525 (Ch. 896, Statutes of 2004), Government Code 53260 limits the cash or noncash settlement for a Superintendent to a maximum of six months salary, and minimum of zero, if the district believes and subsequently confirms, that he/she engaged in fraud, misappropriation of funds, or other illegal practice. Such illegal practice must be confirmed by an independent audit, and an administrative law judge will determine the amount of the settlement after a hearing. \*\*\*

If the Board terminates the Superintendent's contract upon its belief and subsequent confirmation pursuant to an independent audit that the Superintendent has engaged in fraud, misappropriation of funds, or other illegal practices, the maximum settlement shall be within the limits prescribed by law, as determined by an administrative law judge. (Government Code 53260)

Legal Reference:

EDUCATION CODE

35031 Term of employment

41325-41329.3 Conditions of emergency apportionment

GOVERNMENT CODE

53260-53264 Employment contracts

54954 Time and place of regular meetings

54957 Closed session personnel matters

54957.1 Closed session, public report of action taken

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Governance: Superintendent Selection and Employment, 2006

WEB SITES

CSBA, Single District Governance Services: <http://www.csba.org>

Association of California School Administrators: <http://www.acsa.org>

(12/92 7/01) 11/04

**Adopted: April 14, 2010**

**Gravenstein Union School District  
Sebastopol, California**

# CSBA Sample

## Board Bylaw

### Meetings And Notices

BB 9320

#### Board Bylaws

Meetings of the Governing Board are conducted for the purpose of accomplishing district business. In accordance with state open meeting laws (Brown Act), the Board shall hold its meetings in public and shall conduct closed sessions during such meetings only as authorized by law. To encourage community involvement in the schools, Board meetings shall provide opportunities for questions and comments by members of the public. All meetings shall be conducted in accordance with law and the Board's bylaws, policies, and administrative regulations.

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

(cf. 9322 - Agenda/Meeting Materials)

(cf. 9323 - Meeting Conduct)

A Board meeting exists whenever a majority of Board members gather at the same time and place to hear, discuss, or deliberate upon any item within the subject matter jurisdiction of the Board or district. (Government Code 54952.2)

\*\*\*Note: The Brown Act prohibits serial meetings, defined under Government Code 54952.2 as a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of district business. However, Government Code 54952.2 specifies that briefings between staff and Board members are permissible in order to answer questions or to provide information, as long as the briefing is not used to communicate the comments or position of any other Board member. Thus, Superintendent briefings involving less than a majority of the Board are allowed, but participants must ensure that the comments or positions of one member are not shared with other members. \*\*\*

\*\*\*Note: This prohibition against serial meetings also applies to communications via technology. Email exchanges, chat room threads, or comments posted on a blog that result in a majority of the Board "discussing" an item within the subject matter jurisdiction of the Board could result in a Brown Act violation. See BB 9012 - Board Member Electronic Communications. \*\*\*

\*\*\*Note: In 84 Ops. Cal. Atty. Gen. 30 (2001), the Attorney General opined that Government Code 54952.2 prohibits a majority of the Board from sending emails to each other to develop a collective concurrence as to action to be taken by the Board even if the emails are (1) sent to the secretary and chairperson, (2) posted on the district's web site,

and (3) distributed at the next meeting. Although the Attorney General recognized that those three conditions would allow the deliberations to be conducted, to some extent, "in public," the emails were prohibited by the Brown Act because all debate would be completed before the meeting and members of the public who did not have Internet access would be excluded from the debate. \*\*\*

A majority of the Board shall not, outside of an authorized meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. However, an employee or district official may engage in separate conversations with Board members in order to answer questions or provide information regarding an item within the subject matter jurisdiction of the Board, as long as that employee or district official does not communicate the comments or position of any Board members to other Board members. (Government Code 54952.2)

(cf. 9012 - Board Member Electronic Communications)

\*\*\*Note: Government Code 54953.2 requires that all Board meetings meet the protections of the Americans with Disabilities Act (42 USC 12132) and implementing regulations (28 CFR 35.160, 36.303). Such protections require the district to ensure that the meeting is accessible to persons with disabilities and, upon request, to provide disability-related accommodations, such as auxiliary aids and services. Auxiliary aids and services may include accommodations at the actual meeting, such as a sign-language interpreter, or accommodations to the supporting documentation, such as Braille translation of the agenda packet. Government Code 54954.2 requires that the agenda specify how, when, and to whom a request for accommodation should be made; see BB 9322 - Agenda/Meeting Materials.

In order to help ensure the participation of individuals with disabilities at Board meetings, the Superintendent or designee shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act. (Government Code 54953.2, 54954.1)

#### Regular Meetings

\*\*\*Note: Education Code 35140 and Government Code 54954 mandate the Board to fix the time and place for its regular meetings by rule and regulation.

The Board shall hold \_\_\_\_\_ regular meeting(s) each month. Regular meetings shall be held at \_\_\_\_\_ p.m. on the \_\_\_\_\_ (day) at the \_\_\_\_\_.

\*\*\*Note: Pursuant to Government Code 54954.2, the agenda for a regular meeting must be posted at least 72 hours prior to the meeting, at a location that is freely accessible to the public. As amended by AB 1344 (Ch. 692, Statutes of 2011), Government Code 54954.2 also requires that the agenda be posted on the district's Internet web site, if it has

one. Any district that does not have a web site should delete the reference to it in the following paragraph. \*\*\*

\*\*\*Note: The Attorney General has determined in 78 Ops.Cal.Atty.Gen. 327 (1995) that weekend hours may be counted as part of the 72-hour period for posting of the agenda prior to a regular meeting. In the same opinion, the Attorney General found that the term "freely accessible" requires that the agenda be posted in a location where it can be read by the public at any time during the 72 hours immediately preceding the meeting. For example, if a building where the agenda is posted is closed during the evening hours, the agenda must also be posted in a location accessible during evening hours, such as a lighted display case outside of the building. The Attorney General also opined in 88 Ops.Cal.Atty.Gen. 218 (2005) that the agenda may be posted on a touch screen electronic kiosk, in lieu of a paper copy on a bulletin board, as long as the kiosk is accessible without charge to the public 24 hours a day, seven days a week. \*\*\*

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public and on the district's Internet web site. (Government Code 54954.2)

(cf. 1113 - District and School Web Sites)

\*\*\*Note: Pursuant to Government Code 54957.5, the agenda must list any address where the public can inspect agenda materials that are distributed to Board members less than 72 hours before a regular meeting; see BB 9322 - Agenda/Meeting Materials. In addition, pursuant to the California Public Records Act (Government Code 6252-6270), agenda materials related to an open session of a Board's regular meeting are "public records" and are subject to the inspection of any member of the public. For a list of documents subject to disclosure by the district, see BP/AR 1340 - Access to District Records. \*\*\*

Whenever agenda materials relating to an open session of a regular meeting are distributed to the Board less than 72 hours before the meeting, the Superintendent or designee shall make the materials available for public inspection at a public office or location designated for that purpose. (Government Code 54957.5)

(cf. 1340 - Access to District Records)

### Special Meetings

\*\*\*Note: Education Code 35144 and Government Code 54956 allow the Board to hold special meetings to address any matter that requires timely action. For example, the Board may hold a special meeting to discuss the need for an emergency state apportionment when the district is in financial distress; see AR 3460 - Financial Reports and Accountability. However, pursuant to Government Code 54956, as amended by AB 1344 (Ch. 692, Statutes of 2011), certain specified matters, as described below, may not be addressed in a special meeting. \*\*\*

Special meetings of the Board may be called at any time by the presiding officer or a majority of the Board members. However, a special meeting shall not be called regarding the salary, salary schedule, or other compensation of the Superintendent, assistant superintendent, or other management employee as described in Government Code 3511.1. (Government Code 54956)

(cf. 2121 - Superintendent's Contract)

\*\*\*Note: Pursuant to Government Code 54956, written notice of a special meeting may be delivered personally or by other means, including email or fax. AB 1344 (Ch. 692, Statutes of 2011) amended Government Code 54956 to require any district that has its own Internet web site to also post the notice on its web site. Any district that does not have its own web site should delete reference to it in the following paragraph. \*\*\*

Written notice of special meetings shall be delivered personally or by any other means to all Board members and the local media who have requested such notice in writing. The notice also shall be posted on the district's Internet web site. The notice shall be received at least 24 hours before the time of the meeting. The notice shall also be posted at least 24 hours before the meeting in a location freely accessible to the public. The notice shall specify the time and place of the meeting and the business to be transacted or discussed. No other business shall be considered at this meeting. (Education Code 35144; Government Code 54956)

Any Board member may waive the 24-hour written notice requirement prior to the time of the meeting by filing a written waiver of notice with the clerk or secretary of the Board or by being present at the meeting at the time it convenes. (Government Code 54956)

Every notice of a special meeting shall provide an opportunity for members of the public to directly address the Board concerning any item that has been described in the meeting notice, before or during the item's consideration. (Government Code 54954.3)

#### Emergency Meetings

\*\*\*Note: Government Code 54956.5 authorizes a closed session during emergency meetings, as long as two-thirds of the members present at the meeting agree on the need for the closed session. See BB 9321 - Closed Session Purposes and Agendas and E 9323.2 - Actions by the Board. \*\*\*

In the case of an emergency situation for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with the 24-hour notice and/or 24-hour posting requirement for special meetings pursuant to Government Code 54956. The Board shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956.5)



An emergency situation means either of the following: (Government Code 54956.5)

1. An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health and/or safety as determined by a majority of the members of the Board

(cf. 4141.6/4241.6 - Concerted Action/Work Stoppage)

2. A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist activity, or threatened terrorist act that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency meeting may endanger the public health and/or safety as determined by a majority of the members of the Board

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

Except in the case of a dire emergency, the Board president or designee shall give notice of the emergency meeting by telephone at least one hour before the meeting to the local media that have requested notice of special meetings. All telephone numbers provided by the media in the most recent request for notification must be exhausted. If telephone services are not functioning, the notice requirement of one hour is waived and, as soon after the meeting as possible, the Board shall notify those media representatives of the meeting and shall describe the purpose of the meeting and any action taken by the Board. In the case of a dire emergency, the Board president or designee shall give such notice at or near the time he/she notifies the other members of the Board about the meeting. (Government Code 54956.5)

The minutes of the meeting, a list of persons the Board president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon after the meeting as possible. (Government Code 54956.5)

#### Adjourned/Continued Meetings

A majority vote by the Board may adjourn/continue any regular or special meeting to a later time and place that shall be specified in the order of adjournment. Less than a quorum of the Board may adjourn such a meeting. If no Board members are present, the secretary or the clerk may declare the meeting adjourned to a later time and shall give notice in the same manner required for special meetings. (Government Code 54955)

Within 24 hours after the time of adjournment, a copy of the order or notice of adjournment/continuance shall be conspicuously posted on or near the door of the place where the meeting was held. (Government Code 54955)

#### Study Sessions, Retreats, Public Forums, and Discussion Meetings

\*\*\*Note: The following section is optional and may be revised to reflect district practice. Pursuant to Government Code 54954.2, the Board must still comply with the 72 hours public notice requirement when holding a study session, retreat, public forum or other such meeting. \*\*\*

The Board may occasionally convene a study session or public forum to study an issue in more detail or to receive information from staff or feedback from members of the public.

The Board may also convene a retreat or discussion meeting to discuss Board roles and relationships.

(cf. 2000 - Concepts and Roles)  
(cf. 2111 - Superintendent Governance Standards)  
(cf. 9000 - Role of the Board)  
(cf. 9005 - Governance Standards)  
(cf. 9400 - Board Self-Evaluation)

Public notice shall be given in accordance with law when a quorum of the Board is attending a study session, retreat, public forum, or discussion meeting. All such meetings shall comply with the Brown Act and shall be held in open session and within district boundaries. Action items shall not be included on the agenda for these meetings.

#### Other Gatherings

Attendance by a majority of Board members at any of the following events is not subject to the Brown Act provided that a majority of the Board members do not discuss specific district business among themselves other than as part of the scheduled program:  
(Government Code 54952.2)

1. A conference or similar public gathering open to the public that involves a discussion of issues of general interest to the public or to school board members
2. An open, publicized meeting organized by a person or organization other than the district to address a topic of local community concern
3. An open and noticed meeting of another body of the district
4. An open and noticed meeting of a legislative body of another local agency
5. A purely social or ceremonial occasion
6. An open and noticed meeting of a standing committee of the Board, provided that the Board members who are not members of the standing committee attend only as observers

(cf. 9130 - Board Committees)

Individual contacts or conversations between a Board member and any other person are not subject to the Brown Act. (Government Code 54952.2)

#### Location of Meetings

Meetings shall not be held in a facility that prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code 11135, including, but not limited to, religion, sex, or sexual orientation. In addition, meetings shall not be held in a facility which is inaccessible to individuals with disabilities or where members of the public must make a payment or purchase in order to be admitted. (Government Code 54961)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

Meetings shall be held within district boundaries, except to do any of the following:  
(Government Code 54954)

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the district is a party
2. Inspect real or personal property which cannot conveniently be brought into the district, provided that the topic of the meeting is limited to items directly related to the property
3. Participate in meetings or discussions of multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law
4. Meet in the closest meeting facility if the district has no meeting facility within its boundaries or if its principal office is located outside the district
5. Meet with elected or appointed state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the district over which the state or federal officials have jurisdiction
6. Meet in or near a facility owned by the district but located outside the district, provided the meeting agenda is limited to items directly related to that facility
7. Visit the office of the district's legal counsel for a closed session on pending litigation, when doing so would reduce legal fees or costs
8. Attend conferences on nonadversarial collective bargaining techniques
9. Interview residents of another district regarding the Board's potential employment of an applicant for Superintendent of the district

10. Interview a potential employee from another district

Meetings exempted from the boundary requirements, as specified in items #1-10 above, shall still be subject to the notice and open meeting requirements for regular and special meetings when a quorum of the Board attends the meeting.

If a fire, flood, earthquake, or other emergency renders the regular meeting place unsafe, meetings shall be held for the duration of the emergency at a place designated by the Board president or designee, who shall so inform all news media who have requested notice of special meetings by the most rapid available means of communication. (Government Code 54954)

### Teleconferencing

A teleconference is a meeting of the Board in which Board members are in different locations, connected by electronic means through audio and/or video. (Government Code 54953)

The Board may use teleconferences for all purposes in connection with any meeting within the Board's subject matter jurisdiction. All votes taken during a teleconference meeting shall be by roll call. (Government Code 54953)

During the teleconference, at least a quorum of the members of the Board shall participate from locations within district boundaries. (Government Code 54953)

Agendas shall be posted at all teleconference locations and shall list all teleconference locations whenever they are posted elsewhere. Additional teleconference locations may be provided to the public. (Government Code 54953)

\*\*\*Note: In 84 Ops. Cal. Atty. Gen. 181 (2001), the Attorney General opined that a city is not required under the Americans with Disabilities Act to provide, as an accommodation for a disabled city council member who was unable to attend a regularly scheduled meeting, a teleconference connection to the member's house where the public would not be permitted to be present. According to the Attorney General, Government Code 54953 requires that members of the public be permitted to be present at any teleconference location. \*\*\*

All teleconference locations shall be accessible to the public. All teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board, including the right of the public to address the Board directly at each teleconference location. (Government Code 54953)

All Board policies, administrative regulations, and bylaws shall apply equally to meetings that are teleconferenced. The Superintendent or designee shall facilitate public

participation in the meeting at each teleconference location.

Legal Reference:

EDUCATION CODE

35140 Time and place of meetings

35143 Annual organizational meeting, date, and notice

35144 Special meeting

35145 Public meetings

35145.5 Agenda; public participation; regulations

35146 Closed sessions

35147 Open meeting law exceptions and applications

GOVERNMENT CODE

3511.1 Local agency executives

11135 State programs and activities, discrimination

54950-54963 The Ralph M. Brown Act, especially:

54953 Meetings to be open and public; attendance

54954 Time and place of regular meetings

54954.2 Agenda posting requirements, board actions

54956 Special meetings; call; notice

54956.5 Emergency meetings

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.160 Effective communications

36.303 Auxiliary aids and services

COURT DECISIONS

Wolfe v. City of Fremont, (2006) 144 Cal.App. 544

ATTORNEY GENERAL OPINIONS

88 Ops.Cal.Atty.Gen. 218 (2005)

84 Ops.Cal.Atty.Gen. 181 (2001)

84 Ops.Cal.Atty.Gen. 30 (2001)

79 Ops.Cal.Atty.Gen. 69 (1996)

78 Ops.Cal.Atty.Gen. 327 (1995)

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. 2009

INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS

The ABCs of Open Government Laws

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

Open and Public IV: A Guide to the Ralph M. Brown Act, 2nd Ed., 2010

WEB SITES

CSBA: <http://www.csba.org>

CSBA, Agenda Online:

<http://www.csba.org/Services/Services/GovernanceTechnology/AgendaOnline.aspx>

California Attorney General's Office: <http://www.ag.ca.gov>

Institute for Local Government: <http://www.ca-ilg.org>

League of California Cities: <http://www.cacities.org>

(3/08 11/08) 11/11

# **GRAVENSTEIN UNION SCHOOL DISTRICT**

## **Board Bylaw**

### **Meetings And Notices**

BB 9320

#### **Board Bylaws**

Meetings of the Governing Board are conducted for the purpose of accomplishing district business. In accordance with state open meeting laws (Brown Act), the Board shall hold its meetings in public and shall conduct closed sessions during such meetings only as authorized by law. To encourage community involvement in the schools, Board meetings shall provide opportunities for questions and comments by members of the public. All meetings shall be conducted in accordance with law and the Board's bylaws, policies, and administrative regulations.

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

(cf. 9323 - Meeting Conduct)

A Board meeting exists whenever a majority of Board members gather at the same time and place to hear, discuss, or deliberate upon any item within the subject matter jurisdiction of the Board or district. (Government Code 54952.2)

A majority of the Board shall not, outside of an authorized meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. However, an employee or district official may engage in separate conversations with Board members in order to answer questions or provide information regarding an item within the subject matter jurisdiction of the Board, as long as that employee or district official does not communicate the comments or position of any Board members to other Board members. (Government Code 54952.2)

In order to help ensure participation in the meeting by disabled individuals, the Superintendent or designee shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act. (Government Code 54953.2, 54954.1)

Meeting notices and agendas shall specify that any individual who requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting should contact the Superintendent or designee. (Government Code 54954.2)

Each agenda shall also list the address(es) designated by the Superintendent or designee for public inspection of agenda documents that are distributed to the Board less than 72

hours before the meeting. (Government Code 54957.5)

(cf. 9322 - Agenda/Meeting Materials)

### Regular Meetings

The Board shall hold regular one meeting each month. Regular meetings shall be held at 5:00 p.m. on the second Wednesday at the Gravenstein Elementary School Library.

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public. (Government Code 54954.2)

### Special Meetings

Special meetings of the Board may be called at any time by the presiding officer or a majority of the Board members. (Government Code 54956)

Written notice of special meetings shall be delivered personally or by any other means to all Board members and the local media who have requested such notice in writing. The notice shall be received at least 24 hours before the time of the meeting. The notice shall also be posted at least 24 hours before the meeting in a location freely accessible to the public. The notice shall specify the time and place of the meeting and the business to be transacted or discussed. No other business shall be considered at this meeting. (Education Code 35144; Government Code 54956)

Any Board member may waive the 24-hour written notice requirement prior to the time of the meeting by filing a written waiver of notice with the clerk or secretary of the Board or by being present at the meeting at the time it convenes. (Government Code 54956)

Every notice of a special meeting shall provide an opportunity for members of the public to directly address the Board concerning any item that has been described in the meeting notice, before or during the item's consideration. (Government Code 54954.3)

### Emergency Meetings

In the case of an emergency situation for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with the 24-hour notice and/or 24-hour posting requirement for special meetings pursuant to Government Code 54956. The Board shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956.5)

An emergency situation means either of the following: (Government Code 54956.5)

1. An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health and/or safety as determined by a



majority of the members of the Board

(cf. 4141.6/4241.6 - Concerted Action/Work Stoppage)

2. A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist activity, or threatened terrorist act that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency meeting may endanger the public health and/or safety as determined by a majority of the members of the Board

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

Except in the case of a dire emergency, the Board president or designee shall give notice of the emergency meeting by telephone at least one hour before the meeting to the local media that have requested notice of special meetings. All telephone numbers provided by the media in the most recent request for notification must be exhausted. If telephone services are not functioning, the notice requirement of one hour is waived and, as soon after the meeting as possible, the Board shall notify those media representatives of the meeting and shall describe the purpose of the meeting and any action taken by the Board. In the case of a dire emergency, the Board president or designee shall give such notice at or near the time he/she notifies the other members of the Board about the meeting. (Government Code 54956.5)

The minutes of the meeting, a list of persons the Board president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon after the meeting as possible. (Government Code 54956.5)

#### Adjourned/Continued Meetings

A majority vote by the Board may adjourn/continue any regular or special meeting to a later time and place that shall be specified in the order of adjournment. Less than a quorum of the Board may adjourn such a meeting. If no Board members are present, the secretary or the clerk may declare the meeting adjourned to a later time and shall give notice in the same manner required for special meetings. (Government Code 54955)

Within 24 hours after the time of adjournment, a copy of the order or notice of adjournment/continuance shall be conspicuously posted on or near the door of the place where the meeting was held. (Government Code 54955)

#### Study Sessions, Retreats, Public Forums, and Discussion Meetings

The Board may occasionally convene a study session or public forum to study an issue in more detail or to receive information from staff or feedback from members of the public.

The Board may also convene a retreat or discussion meeting to discuss Board roles and

relationships.

(cf. 2000 - Concepts and Roles)  
(cf. 2111 - Superintendent Governance Standards)  
(cf. 9000 - Role of the Board)  
(cf. 9005 - Governance Standards)  
(cf. 9400 - Board Self-Evaluation)

Public notice shall be given in accordance with law when a quorum of the Board is attending a study session, retreat, public forum, or discussion meeting. All such meetings shall comply with the Brown Act and shall be held in open session and within district boundaries. Action items shall not be included on the agenda for these meetings.

#### Other Gatherings

Attendance by a majority of Board members at any of the following events is not subject to the Brown Act provided that a majority of the Board members do not discuss specific district business among themselves other than as part of the scheduled program:  
(Government Code 54952.2)

1. A conference or similar public gathering open to the public that involves a discussion of issues of general interest to the public or to school board members
2. An open, publicized meeting organized by a person or organization other than the district to address a topic of local community concern
3. An open and noticed meeting of another body of the district
4. An open and noticed meeting of a legislative body of another local agency
5. A purely social or ceremonial occasion
6. An open and noticed meeting of a standing committee of the Board, provided that the Board members who are not members of the standing committee attend only as observers

(cf. 9130 - Board Committees)

Individual contacts or conversations between a Board member and any other person are not subject to the Brown Act. (Government Code 54952.2)

#### Location of Meetings

Meetings shall not be held in a facility that prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code 11135, including, but

not limited to, religion, sex, or sexual orientation. In addition, meetings shall not be held in a facility which is inaccessible to disabled persons or where members of the public must make a payment or purchase in order to be admitted. (Government Code 54961)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

Meetings shall be held within district boundaries, except to do any of the following:  
(Government Code 54954)

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the district is a party
2. Inspect real or personal property which cannot conveniently be brought into the district, provided that the topic of the meeting is limited to items directly related to the property
3. Participate in meetings or discussions of multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law
4. Meet in the closest meeting facility if the district has no meeting facility within its boundaries or if its principal office is located outside the district
5. Meet with elected or appointed state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the district over which the state or federal officials have jurisdiction
6. Meet in or near a facility owned by the district but located outside the district, provided the meeting agenda is limited to items directly related to that facility
7. Visit the office of the district's legal counsel for a closed session on pending litigation, when doing so would reduce legal fees or costs
8. Attend conferences on nonadversarial collective bargaining techniques
9. Interview residents of another district regarding the Board's potential employment of an applicant for Superintendent of the district
10. Interview a potential employee from another district

Meetings exempted from the boundary requirements, as specified in items #1-10 above, shall still be subject to the notice and open meeting requirements for regular and special meetings when a quorum of the Board attends the meeting.

If a fire, flood, earthquake, or other emergency renders the regular meeting place unsafe, meetings shall be held for the duration of the emergency at a place designated by the

Board president or designee, who shall so inform all news media who have requested notice of special meetings by the most rapid available means of communication. (Government Code 54954)

#### Teleconferencing

A teleconference is a meeting of the Board in which Board members are in different locations, connected by electronic means through audio and/or video. (Government Code 54953)

The Board may use teleconferences for all purposes in connection with any meeting within the Board's subject matter jurisdiction. All votes taken during a teleconference meeting shall be by roll call. (Government Code 54953)

During the teleconference, at least a quorum of the members of the Board shall participate from locations within district boundaries. (Government Code 54953)

Agendas shall be posted at all teleconference locations and shall list all teleconference locations whenever they are posted elsewhere. Additional teleconference locations may be provided to the public. (Government Code 54953)

All teleconference locations shall be accessible to the public. All teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board, including the right of the public to address the Board directly at each teleconference location. (Government Code 54953)

All Board policies, administrative regulations, and bylaws shall apply equally to meetings that are teleconferenced. The Superintendent or designee shall facilitate public participation in the meeting at each teleconference location.

#### Legal Reference:

##### EDUCATION CODE

- 35140 Time and place of meetings
- 35143 Annual organizational meeting, date, and notice
- 35144 Special meeting
- 35145 Public meetings
- 35145.5 Agenda; public participation; regulations
- 35146 Closed sessions
- 35147 Open meeting law exceptions and applications

##### GOVERNMENT CODE

- 11135 State programs and activities, discrimination
- 54950-54963 The Ralph M. Brown Act, especially:
- 54953 Meetings to be open and public; attendance

54954 Time and place of regular meetings  
54954.2 Agenda posting requirements, board actions  
54956 Special meetings; call; notice  
54956.5 Emergency meetings  
UNITED STATES CODE, TITLE 42  
12101-12213 Americans with Disabilities Act  
CODE OF FEDERAL REGULATIONS, TITLE 28  
35.160 Effective communications  
36.303 Auxiliary aids and services  
COURT DECISIONS  
Wolfe v. City of Fremont, (2006) 144 Cal.App. 544  
ATTORNEY GENERAL OPINIONS  
88 Ops.Cal.Atty.Gen. 218 (2005)  
84 Ops.Cal.Atty.Gen. 181 (2001)  
84 Ops.Cal.Atty.Gen. 30 (2001)  
79 Ops.Cal.Atty.Gen. 69 (1996)  
78 Ops.Cal.Atty.Gen. 327 (1995)

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. 2006

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, 2003

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

Open and Public IV: A Guide to the Ralph M. Brown Act, rev. 2007

WEB SITES

CSBA: <http://www.csba.org>

CSBA, Agenda Online:

<http://www.csba.org/Services/Services/GovernanceTechnology/AgendaOnline.aspx>

California Attorney General's Office: <http://www.caag.state.ca.us>

Institute for Local Government: <http://www.cacities.org/index.jsp?zone=ilsg>

(7/06 3/08) 11/08

**Adopted: June 10, 2009**

**GRAVENSTEIN UNION SCHOOL DISTRICT  
Sebastopol, CA**

# CSBA Sample

## Board Policy

### Transitional Kindergarten

BP 6170.1

#### Instruction

\*\*\*Note: The following optional policy is for use by districts that maintain kindergarten and may be revised to reflect district practice. Education Code 48000, as amended by the Kindergarten Readiness Act of 2010 (SB 1381, Ch. 705, Statutes of 2010), gradually raises the age for admission into kindergarten over a four-year period. Children are eligible for kindergarten enrollment if they have their fifth birthday on or before December 2 in 2011-12, November 1 in 2012-13, October 1 in 2013-14, and September 1 in 2014-15 and beyond; see AR 5111 - Admission. Pursuant to Education Code 48000, children whose admission would be delayed because of the new age requirements must be offered a transitional kindergarten program beginning in the 2012-13 school year. \*\*\*

\*\*\*Note: Education Code 48000 defines "transitional kindergarten" as the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate. Education Code 48000 also specifies that transitional kindergarten shall not be construed as a new program or higher level of service; therefore, many of the requirements applicable to kindergarten (e.g., class size, minimum school day, facilities, teacher certification) are also applicable to transitional kindergarten. The district shall receive state apportionments for students in a transitional kindergarten program who meet the program requirements specified in Education Code 48000. \*\*\*

\*\*\*Note: A district could choose to accelerate implementation of the program prior to the dates specified in law, thus allowing all children whose fifth birthday will be between September 1 and December 2 to enroll in transitional kindergarten prior to 2014-15 at a date determined by the Governing Board. However, according to the California Department of Education (CDE), if a parent/guardian requests that his/her kindergarten-eligible child be admitted to kindergarten instead of transitional kindergarten, the district would need to honor that request because of the phase-in stipulated in law. Furthermore, whenever kindergarten-eligible children are enrolled in transitional kindergarten, the district must obtain a continuance form signed by the parent/guardian consenting to the child's enrollment in kindergarten the following year. The continuance form is necessary in order to receive kindergarten apportionments for those children since they would otherwise be age-eligible for first grade. The CDE recommends that approval for a student to continue in kindergarten not be given until near the end of the year of transitional kindergarten, since permission obtained unreasonably far in advance could be found invalid. \*\*\*

The Governing Board desires to offer a high-quality transitional kindergarten program for

eligible children who do not yet meet the minimum age criterion for kindergarten. The program shall assist children in developing the academic, social, and emotional skills they need to succeed in kindergarten and beyond.

The district's transitional kindergarten shall be the first year of a two-year kindergarten program. (Education Code 48000)

The Board encourages ongoing collaboration among district preschool staff, other preschool providers, elementary teachers, administrators, and parents/guardians in program development, implementation, and evaluation.

(cf. 0420 - School Plans/Site Councils)  
(cf. 1220 - Citizen Advisory Committees)  
(cf. 6020 - Parent Involvement)

#### Eligibility

\*\*\*Note: Pursuant to Education Code 48200, each person between the ages of 6 and 18 years is subject to compulsory full-time education, unless otherwise exempted by law. Thus, parents/guardians are not required to enroll children in transitional kindergarten or kindergarten but, if they do so, are subject to the age criteria specified below. \*\*\*

\*\*\*Note: On a case-by-case basis, Education Code 48000 authorizes early entrance into kindergarten for children who reach age 5 later than the date specified below, provided the parent/guardian approves, the district determines it is in the child's best interests, and the district has provided the parent/guardian with information on the advantages and disadvantages of early admittance; see AR 5111 - Admission. \*\*\*

The district's transitional kindergarten program shall admit children whose fifth birthday lies between: (Education Code 48000)

1. November 2 and December 2 in the 2012-13 school year
2. October 2 and December 2 in the 2013-14 school year
3. September 2 and December 2 in the 2014-15 school year and each school year thereafter

Parents/guardians of eligible children shall be notified of the availability of this program and the age, residency, and any other enrollment requirements. Enrollment in the transitional kindergarten program shall be voluntary.

(cf. 5111 - Admission)  
(cf. 5111.1 - District Residency)  
(cf. 5111.12 - Residency Based on Parent/Guardian Employment)

(cf. 5111.13 - Residency for Homeless Children)  
(cf. 5141.22 - Infectious Diseases)  
(cf. 5141.3 - Health Examinations)  
(cf. 5141.31 - Immunizations)  
(cf. 5141.32 - Health Screening for School Entry)

#### Curriculum and Instruction

The district's transitional kindergarten program shall be based on a modified kindergarten curriculum that is age and developmentally appropriate. (Education Code 48000)

(cf. 6141 - Curriculum Development and Evaluation)  
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

\*\*\*Note: In designing a modified kindergarten curriculum for purposes of transitional kindergarten, the district may refer to state model content standards for core subjects at the kindergarten level, Common Core Standards adopted pursuant to Education Code 60605.8, and state "preschool learning foundations"; see BP 6011 - Academic Standards.  
\*\*\*

Upon recommendation by the Superintendent or designee, the Board shall approve academic standards for transitional kindergarten that bridge preschool learning foundations and kindergarten standards. Such standards shall be designed to facilitate students' development in essential skills which may include, as appropriate, language and literacy, mathematics, physical development, the arts, science, social sciences, English language development, and social-emotional development.

(cf. 5148.3 - Preschool/Early Childhood Education)  
(cf. 6011 - Academic Standards)  
(cf. 6174 - Education for English Language Learners)

\*\*\*Note: The following optional paragraph should be revised to reflect district practice. Pursuant to Education Code 46111 and 46117, at the kindergarten level the minimum school day is 180 minutes and the maximum school day is four hours (240 minutes), unless the district has adopted an extended-day kindergarten pursuant to Education Code 8973. The CDE advises that the district's annual instructional minutes for kindergarten, as reflected in its annual audit, is the number of instructional minutes that should be offered to transitional kindergarten students; also see AR 6112 - School Day. \*\*\*

The number of instructional minutes offered in transitional kindergarten shall be the same as that required for the district's kindergarten program.

(cf. 6111 - School Calendar)  
(cf. 6112 - School Day)

\*\*\*Note: The following optional paragraph may be revised to reflect district practice.



According to the CDE's "Transitional Kindergarten FAQs," it is the intent of the law to provide separate and unique experiences for transitional kindergarten and kindergarten students. However, districts have flexibility to determine how best to meet the curricular needs of each child and whether transitional kindergarten and kindergarten students may be enrolled in the same classrooms. \*\*\*

Transitional kindergarten students may be placed in the same classrooms as kindergarten students when necessary, provided that the instructional program is differentiated to meet student needs.

### Staffing

\*\*\*Note: The Commission on Teacher Credentialing, in its Credential Information Alert on "Transitional Kindergarten Assignments," clarifies that a transitional kindergarten classroom is appropriately staffed by any holder of a multiple subjects teaching credential. A holder of a child development permit is not authorized to teach transitional kindergarten since the definition of transitional kindergarten in Education Code 48000, as amended by SB 1381 (Ch. 705, Statutes of 2010), clarifies that transitional kindergarten classrooms are not preschool classrooms or child development programs. \*\*\*

\*\*\*Note: Transitional kindergarten assignments are subject to assignment monitoring and reporting by county offices of education in accordance with Education Code 44258.9. \*\*\*

Teachers assigned to teach in transitional kindergarten classes shall possess a teaching credential or permit that authorizes instruction at the kindergarten grade level.

(cf. 4112.2 - Certification)

The Superintendent or designee may provide professional development as needed to ensure that transitional kindergarten teachers are knowledgeable about district standards and effective instructional methods for teaching young children.

(cf. 4131 - Staff Development)

### Continuation to Kindergarten

\*\*\*Note: The following optional paragraph is consistent with guidance in the CDE's "Transitional Kindergarten FAQs." \*\*\*

Students who complete the transitional kindergarten program shall be eligible to continue in kindergarten the following school year. Parents/guardians of such students shall not be required to submit a signed parental permission form for kindergarten attendance.

\*\*\*Note: Pursuant to Education Code 46300, the district may not include for apportionment purposes the attendance of any student for more than two years in a

combination of transitional kindergarten and kindergarten. \*\*\*

A student shall not attend more than two years in a combination of transitional kindergarten and kindergarten. (Education Code 46300)

(cf. 5123 - Promotion/Acceleration/Retention)

#### Program Evaluation

The Superintendent or designee shall develop or identify appropriate assessments of transitional kindergarten students' development and progress. He/she shall monitor and regularly report to the Board regarding program implementation and the progress of students in meeting related academic standards.

(cf. 0500 - Accountability)

(cf. 6162.5 - Student Assessment)

#### Legal Reference:

##### EDUCATION CODE

8973 Extended-day kindergarten

44258.9 Assignment monitoring by county office of education

46111 Kindergarten, hours of attendance

46114-46119 Minimum school day, kindergarten

46300 Computation of average daily attendance, inclusion of kindergarten and transitional kindergarten

48000 Minimum age of admission (kindergarten)

48002 Evidence of minimum age required to enter kindergarten or first grade

48200 Compulsory education, starting at age six

60605.8 Academic Content Standards Commission, development of Common Core Standards

#### Management Resources:

##### CSBA PUBLICATIONS

Transitional Kindergarten, Issue Brief, July 2011

##### CALIFORNIA COUNTY SUPERINTENDENTS EDUCATIONAL SERVICES ASSOCIATION PUBLICATIONS

Transitional Kindergarten (TK) Planning Guide: A Resource for Administrators of California Public School Districts, November 2011

##### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Transitional Kindergarten FAQs

California Preschool Curriculum Framework, Vol. 1, 2010

California Preschool Learning Foundations, Vol. 1, 2008

Prekindergarten Learning Development Guidelines, 2000

First Class: A Guide for Early Primary Education, 1999

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

11-08 Transitional Kindergarten Assignments, Credential Information Alert, August 25, 2011

WEB SITES

CSBA: <http://www.csba.org>

California County Superintendents Educational Services Association:

<http://www.ccsesa.org>

California Department of Education: <http://www.cde.ca.gov>

California Kindergarten Association: <http://www.ckanet.org>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

Transitional Kindergarten California: <http://www.tkcalifornia.org>